

NOTICE OF INTENT

Department of Public Safety and Corrections Office of Motor Vehicles

Driving Schools and Driver Education (LAC 55:III.143-159)

Under the authority of R.S. 37:3270 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Motor Vehicles, hereby proposes to repeal sections 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157 and 159 and create sections 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158 and 159 under Chapter 1 to implement a more comprehensive version of Title 55 as it relates to the rules governing driving schools and the driver education program. The headings generally remain the same throughout but the content within each section has been reworded and rearranged to be more user friendly. In addition to a more comprehensive version of the rules governing driving schools and the driver education program, the Office of Motor Vehicles anticipates an increase in the penalty (monetary assessment) for violations (by driver education providers) of prohibited activities and procedures. Furthermore, the promulgation of these rules will require the driver education providers to obtain a complete medical examination prior to licensing or upon application for renewal as well as requiring that all driver education providers complete a standard first aid or CPR certification and a training course on the prevention of sexual harassment.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 1. Driver's License

Subchapter A. General Requirements

§143 Commercial Driving Schools

Chapter 1. Driver's License

Subchapter A. General Requirements

A. Definitions. As used in this Chapter, the following terms have the meanings described below.

Adult—a person 18 years of age or older.

Background Check—a secure and reliable way to initiate a criminal check on potential owners, instructors, employees and other types of applicants.

Behind the Wheel Instruction—a course which shall consist of a minimum of eight hours of instruction with a student as the operator of a dual controlled motor vehicle. The course is also referred to as BTW.

Classroom Instruction—a driver education course that is administered in a classroom environment that enables a student to learn through various instructional methods, under the direct guidance of a properly licensed driver education instructor.

Commissioner—the assistant secretary of the Department of Public Safety and Corrections, Public Safety Services, Office of Motor Vehicles.

30 Hour Classroom Course—a program which shall consist of a course of not less than 30 hours of classroom instruction required of first-time driver's license applicants' age 15 through 17 excluding lunch breaks. This course shall

be conducted utilizing the curriculum contained in this Subchapter.

DPS—the Louisiana Department of Public Safety and Corrections, Public Safety Services, acting directly or through its duly authorized officers and representatives.

Driver Education Certificate of Completion—proof of completion of any portion of the driver education course or the pre-licensing course required by law. The course is administered by a certified and approved driving school in the form designated by the DPS.

Driver Education Course—a formal class or program that prepares a new driver to obtain a learner's permit or driver's license. The course of study may be administered in a classroom, in a vehicle, online or a combination thereof. Individuals are instructed on the techniques of driving a vehicle, safety precautions and traffic regulations and laws.

Driver Educational Instructional Document—a document issued by the driving school on a form approved and provided by DPS. Driving instruction details, behind the wheel assessment and other information will be documented on this form.

Driving School—an entity licensed by DPS that offers instruction for the purpose of educating and training an individual, by offering a 38 hour driving course or a 14 hour pre-licensing course, or both.

Eight Hour behind the Wheel Course Assessment—a program which shall consist of a minimum of eight hours of instruction with the student as the operator of a dual-controlled motor vehicle. If under the age of 18, the student's parent or guardian shall sign, authorizing the instruction. A test is conducted or given at the end of the eight hour driver education course to determine a student's driving ability.

Fees—the monetary amount for a school license, tester license or instructor license. All fees shall be submitted in the form of a money order, certified check or secondary school system checks.

Instructor—a person who is licensed to provide the driver education curriculum through classroom or behind the wheel instruction.

Instructor License—a license issued by DPS that authorizes the holder of the license to provide instruction in driver education courses.

Knowledge Test—final test for the driver education and pre-licensing classroom courses. This test is provided to the driving school by the Office of Motor Vehicles.

Letter of Warning—identification of a violation. The letter will provide that the violation must be corrected and may provide directions and a timeframe of the plans for the suggested corrections.

Major Offense—an infraction of major regulations and policies outlined within this chapter, which may include but not be limited to, driving schools not adhering to all applicable federal and state laws or engaging in any form of unlawful discrimination or other activities. The Commissioner maintains discretion to determine any violations which will amount to a major offense and any monetary penalty to be assessed.

Minor Offense—an infraction of minor regulations and policies outlined within this chapter, which may include but not be limited to, failure to notify students of grievance procedures, accompanying students to OMV with the purpose of assisting the student in completion of the driver's license exam, failure to display the driving school license at

the place of business, failure to maintain lesson plans and schedules for the driving school. The Commissioner maintains discretion to determine any violations which will amount to a minor offense and any monetary penalty to be assessed.

Minor—a person under the age of 18.

Motor Vehicle—automobiles, trucks, truck-tractors, trailers and semi-trailers and motorcycles, propelled by steam, gasoline, electricity, or any other source of energy other than muscular power, except farm implements temporarily operated or moved on a roadway or vehicles operated only on rails or tracks constructed therefor.

OMV—any reference herein to OMV shall be construed as referring to the Office of Motor Vehicles, Training and Certification Unit, P.O. Box 64886, Baton Rouge, LA 70896.

Operator—every person who is in actual physical control of a motor vehicle upon a roadway.

Owner—a person or provider who has the principle responsibility for a driver education program.

Penalty—monetary assessment for violation of prohibited activities and procedures outlined in this Chapter. Fine amounts will be based on the nature of the offense, the number of previous offenses, the number of rules violated and the number of times the violations occurred and will be determined by the Commissioner. Any penalty assessed shall be between \$100 and \$1,500 per violation.

Person—every natural person, firm, co-partnership, association or corporation.

Pre-Licensing Course—a program which shall consist of six hours of classroom instruction and an eight hour behind the wheel course required of first-time driver's license applicants eighteen years of age or above, if a 30-hour classroom course is not completed.

Revocation—termination of license to operate a driving school or to instruct at a driving school as provided in these rules and regulations.

Road Skills Test—a driving test that demonstrates the applicant's ability to safely operate and maneuver a vehicle in traffic.

Secretary—the deputy secretary of the Department of Public Safety and Corrections, Public Safety Services, or his appointed designee.

School License—a license issued by DPS authorizing the holder of the license to provide driver education courses.

Street or Roadway—the entire width between the boundary lines of every publicly maintained thoroughfare when any part thereof is open to the use of the public for purposes of vehicular travel.

Student—a person who is enrolled or seeking enrollment in a driver education course or a pre-licensing course.

Supervision—the action or process of watching or directing what someone does or how something is done, or both.

Suspension—the temporary withdrawal of a school or instructor's license for violations of the laws and rules pertaining to driver's education, or both.

Teaching Certificate—a certificate issued by Louisiana Department of Education indicating the holder is qualified to teach in the secondary schools of this state.

Temporary Instructional Permit—a Class "E" temporary instructional permit (TIP) obtained from OMV prior to the student's participation in the classroom permitting an unlicensed student to receive instruction on

public roadways from a licensed instructor and be administered a road skills test.

Third Party Examiner—an individual who has been licensed to administer road skills test through a third party tester.

Third Party Tester—for purposes of this Chapter, a driving school with which DPS has perfected a contract with to administer knowledge and road skills tests required by Louisiana law for driver's license issuance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:38:1974 (August 2012), amended LR 38:3234 (December 2012), amended LR 43:

§144. Driver Education and Driving Schools

A. DPS shall establish a driver education and training program to be utilized by secondary school systems and private driving schools of this state. A driver education course for any person under the age of eighteen shall consist of a minimum of thirty hours of classroom instruction and no less than eight hours of actual driving instruction.

B. Any application received and approved for a driving school will be issued a license that provides for the administration of a 38-hour driver's education course, a 6-hour pre-licensing course, and the administration of written and road skills test as a third party tester. Any DPS approved driving school licensed to only offer the six hour pre-licensing course as of August 15, 2011, will be licensed to continue to offer only the six hour pre-licensing course, but will be required to become a third party tester, and is responsible for complying with the new requirements set forth in these rules. No other applications for only providing the six hour pre-licensing course will be accepted. A pre-licensing course shall consist of a minimum of six hours of classroom instruction and no less than eight hours of actual driving instruction.

C. Every person licensed or contracted by DPS to operate a private driving training school or agency, or providing driving courses, shall also be licensed or contracted as a third party tester pursuant to R.S. 40:1461.

D. Every person engaged in the operation of a private driving school shall apply for and procure a license from DPS. No driving school shall advertise without having first obtained a contract with DPS. No person shall for remuneration hold himself as a qualified or licensed instructor without obtaining a license and contract from DPS.

E. Every licensed and contracted third party tester shall administer both the knowledge and road skills tests required for the issuance of a Class "D" or "E" license in Louisiana in accordance with R.S. 32:408.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:38:1975 (August 2012), amended LR 43:

§145. Qualifications for Private Driving School

Owners and Instructors

A. Qualifications for a Private Driving School Owner. To become a driving school owner, the applicant shall:

1. be a citizen of the United States or be lawfully present in the United States, and be a resident of the state of Louisiana;

2. be at least 21 years of age and have at least five years of driving experience;

3. hold at least a valid Class "E" Louisiana driver's license;

4. have earned at least a high school diploma or GED;

5. not have had driving privileges suspended/disqualified for a DUI/DWI within the last ten years;

6. possess any required occupational license and business license;

7. within the last three years, not have any of the convictions listed below:

a. three or more moving violations on the driving record;

b. driving under suspension;

c. two or more citations for seatbelt violations;

d. two or more citations for following too closely;

e. one or more citations for child restraint violations;

f. three or more exceeding the posted speed limit;

g. one or more citations for texting while driving;

h. two or more citations for driving without insurance or security within three years; or,

i. two or more citations for reckless or careless operation or careless driving.

8. not have three or more insurance cancellations within the last 12 months on his driving record;

9. not have been convicted of any offenses related to the operation of a driving school or other business regulated by DPS;

10. not a current or previous owner of a driving school or any other business regulated by DPS whose license or contract has been revoked;

11. not have been convicted of a crime involving violence, dishonesty, deceit, indecency or an offense involving moral turpitude, and have not been convicted of any misdemeanor or felony offenses involving controlled dangerous substance(s) or driving while intoxicated within the last ten years;

12. not be convicted of any crime enumerated in R.S. 15:587.1(C) (the Child Protection Act), R.S. 15:587.1 et seq.;

13. has not provided false information with the application or falsified or withheld documents or information from representatives of DPS;

14. attend and complete the training course for school owners provided by DPS. The applicant must pass a test on his knowledge of LAC 55:III.143-160;

15. maintain a valid email address for correspondence sent electronically from DPS; and

16. submit a completed application package as outlined in this Subchapter.

B. Qualifications for Classroom Instructor. In addition to meeting the qualifications of a driving school owner (with the exception of Paragraphs 14-15 above), a classroom instructor applicant shall:

1. not previously have been a licensed instructor whose instructor's license has been suspended or revoked;

2. hold a 30 hour driver education course certificate of completion issued within the past five years or a valid teaching certificate from the Department of Education with the following specialized education courses:

a. hold a current valid teaching certificate issued within the past five years with all of the following specialized education courses:

i. general safety education course—three hours;

ii. basic information course in driver education course—three hours;

iii. curriculum innovations and instructional devices course (three hours) in-depth study of driver education and traffic safety curricular materials and familiarization with related instructional devices; and

iv. first aid—one hour; or.

b. a certificate of completion of a driver education course at least equivalent to a 30-hour classroom course which has been approved by DPS;

3. at the time of application, within the last three years, shall not have any convictions listed in §145.A.7-8;

4. have at least five years driving experience;

5. possess a current completed Medical Examination Form (DPS 2032).

C. Qualifications for Eight-Hour Behind the Wheel Instructor. In addition to meeting the qualifications of a driving school owner (with the exception of Paragraphs 14-15 in §145.A), an eight hour behind the wheel instructor shall:

1. meet the qualifications of a classroom instructor;

2. hold at least a valid Class "D" Louisiana chauffeur's license;

3. not be missing an eye, hand or foot; and

4. have visual acuity not worse than 20/40 in each eye, with or without corrective lenses and not have any restrictions which indicate less than 20/40 vision or has physical impairment restrictions on his driver's license.

D. All instructors shall be approved by DPS and obtain an instructor's license prior to providing instruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:38:1975 (August 2012), amended LR 43:

§146. Application Process and Fees for Private Driving Schools and Instructors

A. Application Process for Initial Driving School License. The application process is a two-step approval process.

1. An applicant for an initial driving school license shall submit the following:

a. completed initial application for driving school owner approval (DPSMV6710);

b. non-refundable \$50 certified check or money order made payable to DPS;

c. completed criminal history background check forms for each owner, including two fingerprint cards along with separate certified check or money order made payable to Department of Public Safety and Corrections, for each background check to be conducted;

d. lesson plan containing:

i. beginning and ending time of each class day, including lunch and break periods;

ii. number of class days in the course;

iii. material sources;

iv. how information is presented, (i.e. handouts, videos, lectures);

v. title of audio visual sources to be utilized; and

vi. current e-mail address.

2. Once the background check is completed and the initial application is approved, the applicant shall submit the following:

a. completed driving school initial application (DPSMV 2147). This form is furnished by OMV and shall be signed by the owner and notarized;

b. copy of any required occupational and business license(s);

c. completed background check forms on any other employees responsible for the supervision of students;

d. certificate of insurance in the company name stating that all vehicles utilized in the behind the wheel course are currently insured and that upon cancellation or expiration, DPS will be notified. This certificate shall be from the issuing insurance carrier, not the agency; identify (by description and vehicle identification number) the vehicle(s) covered. The limits shall be from a company authorized to do business in this state in the amount of at least the minimum amount required by R.S. 32:900;

e. address of and specification of classrooms utilized to conduct the classroom course, including room size and capacity as determined by the state fire marshal or local authority;

f. completed driving school instructor application package for each instructor;

g. course specifications as defined in this Subchapter;

h. copies of unit tests and final examination;

i. lesson plan for the behind the wheel course which outlines the stages of the course based on the student's progression and specifies the types of roads traveled, the traffic signals and signs encountered on the routes taken, and the average time frame students are exposed to various types of roads. Written documentation or GPS mapping may be included;

j. completed application package for third party tester certification;

k. a surety bond in the amount of \$20,000; and

l. a written document between the student and school, as defined in LAC 55:III.147.B.3.

B. All applications for driving schools and instructors must be mailed to:

Office of Motor Vehicles
Attention: Training and Certification Unit
P.O. Box 64886
Baton Rouge, LA 70896

C. Application for Instructor License for a Driving School

1. An applicant shall submit:

a. an application for instructor of a driving school (DPSMV 2148);

b. a completed background check document (DPSSP 6696) and background check fee;

c. a 30 hour driver education training certificate of completion or valid teaching certificate as defined in §145.B;

d. a copy of a high school diploma, GED or higher education certificate;

e. an application fee of \$20 for a two year period which shall be non-refundable;

f. a completed third party examiner package as outlined in §156 if the instructor is applying to be a third party examiner.

D. Licenses

1. Licenses shall be issued on a biennial basis. The initial license shall be valid from the date of issuance until December 31 of the following even numbered calendar year.

2. Licenses shall be nontransferable. In the event of a change of ownership, application for a new license shall be made and the old license shall be surrendered to DPS before a new license will be issued to the new owner.

3. If a driving school license is lost or destroyed, a duplicate shall be issued for a \$25 application fee upon receipt of a statement of fact or, in the case of mutilation, upon surrender of such license.

4. If an instructor license is lost or destroyed, a duplicate shall be issued for a \$10 application fee upon receipt of a statement of fact or, in the case of mutilation, upon surrender of such license.

E. School/Tester License Fees

1. Every application or renewal for a school license shall be accompanied by an application fee or renewal fee of \$25 per year, collected biennially, per location.

2. A \$25 fee shall be assessed when a school relocates and a new license is issued or if a duplicate license is required.

3. The license fee for an additional location is \$25 per year, collected biennially, and shall be submitted with the new application.

4. Every application or renewal for a third party tester license shall be accompanied by an application fee or renewal fee of \$50 per year, collected biennially, per location.

5. License Fees pursuant to this Section may be prorated.

F. Instructor/Examiner License Fees

1. Every application or an instructor license shall be accompanied by an application fee or renewal fee of \$10 per year, collected biennially, or if a duplicate license is required.

2. Every application for an examiner license shall be accompanied by an application fee or renewal fee of \$25 per year, collected biennially, or if a duplicate license is required.

3. License Fees pursuant to this Section may be prorated.

G. Office Staff

1. Every employee involved in the supervision over the students or who has access to student information shall have a background check performed.

2. School owners may employ persons who have not passed a background check for other duties that do not involve access to, care of, or supervision of students and/or minors. These employees will not have access to the records or information of students and/or minors at any time. Furthermore, these employees may not be allowed on the premises of a driving school while students and/or minors are present. In the case of a driving school that has a shared business, these employees shall not be in the same room at any time with students and/or minors, or have access to the records or information of students and/or minors.

H. Renewal

1. Prior to the beginning of the renewal period, a renewal invitation will be offered to eligible schools by email. Previous compliance reviews will determine eligibility.

2. Application for renewal shall be made on the form prescribed by OMV at a minimum of 120 days prior to license expiration.

3. All renewal applications for privately owned schools shall be submitted to OMV before the close of business on October 1 of the expiration year.

4. Applications received after October 1 will be deemed untimely and may cause delay in renewal of the license.

5. A school that submitted an untimely renewal application and whose renewed license is not issued prior to December 31, shall not be authorized to conduct any classes after December 31, until the license is renewed.

6. Incomplete renewal applications will be returned and may result in a delay of the licensing process.

7. Proof of continuing education for each instructor shall be submitted with the renewal packet as outlined in §151.

8. The following documents shall be submitted as part of the renewal packet:

a. completed application for each school location, indicating the instructors and vehicles utilized at each location;

b. completed application packet for any new instructors added;

c. certificate of insurance in the school's name stating that all vehicles utilized in the behind the wheel course are currently insured and that upon cancellation or expiration, DPS will be notified. The certificate shall be from the issuing insurance carrier and not the agency and identify (by description and vehicle identification number) the vehicle(s) covered. The limits shall be from a company authorized to business in Louisiana for at least the minimum amount required by R.S. 32:900;

d. appropriate fees as outlined in §146.E or F; and

e. successful passing of an initial fingerprint background check for each owner, instructor and any other employee involved in the supervision of the students or who has access to student information.

I. Change of Name of Driving School

1. If the school desires to change the operating name of the business, the owner shall submit a written request to OMV (or DPS) for the name change.

2. Upon approval of the name change, the applicant must submit the following documentation:

a. an application for change of name for a driving school, which may be downloaded from the OMV website;

b. copy of any required occupational or business license(s) in the new name;

c. a name change document if the company is on file with the Louisiana Secretary of State;

d. a surety bond in the new business name in the amount of \$20,000 from a company qualified to do business in Louisiana; and

e. a \$25 application fee.

3. Certificates of completion cannot be issued under the new name until the new contract and license is issued.

J. Change of Address of Driving School

1. Prior approval is required for any classroom or business address change. OMV shall be notified 30 days prior to any change in address to allow for site inspection and verification.

2. Upon approval of the address change, the applicant must submit the following documentation to OMV:

a. an application for change of address for a driving school which may be downloaded from the OMV website;

b. a \$25 application fee collected biennially. A one year fee will be collected if the application is made during the second year of the license period.

c. documentation listed in Section D of this Chapter applicable to the new address; and

d. a behind the wheel lesson curriculum for the new address.

3. If the location is to be certified as a third party tester site, the location shall meet the requirements for a tester site as listed in §156.

4. Classes cannot be conducted at the new address until a new contract is signed by OMV and the owner.

K. Additional Location of Driving School

1. A school owner may make application to open an additional location if he has successfully operated the initial (or last) location for at least two years and has submitted two consecutive compliance reviews that did not result in a letter of warning, a fine, a suspension or a revocation.

2. The school owner must submit the following:

a. a completed Additional Location Application which may be downloaded from the OMV website;

b. a \$25 application fee collected biennially. A one year fee will be collected if the application is made during the second year of the license period;

c. documentation listed in Section A of this Chapter applicable to the new location; and

d. a behind the wheel lesson curriculum for the new location.

3. If the location is to be certified as at third party tester site, the location shall meet the requirements for a tester site as listed in §156.

4. Classes cannot be conducted at the new location until a new license is issued by OMV.

L. Transfer of Ownership of a Private Driving School

1. The seller shall notify DPS of the pending transfer of ownership. School and instructor licenses are nontransferable as stated in §146.

2. The new owner shall follow the guidelines as prescribed in §146.

3. The commissioner has the final authority in the approval of all transfers of ownership.

4. If the previous owner does not desire a transition phase for the new school owner(s), the currently licensed owner(s) must complete instruction to the current students prior to the transfer of ownership and the new owner(s) must make application for a new driving school. New classes cannot be held by the previous owner(s) or new owner(s) until the transfer of ownership is completed and the new owner(s) is licensed. Once the bill of sale or transfer of ownership is executed, the previous owner(s) must return his original school license and all instructor licenses along with a copy of the bill of sale or transfer of ownership to OMV.

5. If the school is to remain operational during the transition to the new owner(s), the following guidelines covering businesses sold while maintaining the current location must be adhered to.

a. The new owner of the school shall an application to own a driving school.

b. The new owner must meet the qualification outlined in §145.

c. If the new owner currently maintains a driving school license, he may purchase a driving school with multiple locations, if approved by the commissioner.

d. If the new owner does not currently maintain a driving school license, multiple locations of a driving school may be purchased, but the new owner shall be licensed for a period of at least 60 days at one location, prior to administering driver's education at multiple locations, and upon approval by the commissioner.

6. OMV may require an interview and a sample of the lesson instruction with the potential new driving school owner(s).

7. The following documents must be submitted when a school has transferred ownership:

a. copy of the bill of sale or transfer of ownership;
b. all items as outlined in §146.E; and
c. copy of the lesson plan and course guide, including the new unit tests and final examination. If a new lesson plan and course guide are utilized; these documents shall be based on the curriculum as outlined in §154.

i. DPS shall approve if the same lesson plan can be utilized.

ii. In the event the same curriculum will be used, a modified course guide must be submitted along with a statement signed by the buyer and the seller that the same curriculum will be utilized, if not specified in the bill of sale or transfer of ownership documentation.

8. If the vehicles utilized in the school are being sold and are registered in the school owner's name rather than the school's name, the title must be transferred to the new owner and the following documents must be submitted:

a. proof of registration of vehicles in the new owner's name;

b. certificate of insurance in the school's name stating that all vehicles utilized in the behind the wheel course are currently insured and that upon cancellation or expiration, DPS will be notified. This certificate shall be from the issuing insurance carrier and not the agency and identify (by description and vehicle identification number) the vehicle(s) covered. The limits shall be from a company authorized to do business in Louisiana in the amount of at least the minimum amount required by R.S. 32:900;

9. If the same instructors will remain with the school, a notification of employment of a currently licensed instructor form (DPSMV 6711) shall be completed and submitted along with a \$10 application fee, in lieu of the instructor application packet.

10. All new instructors must complete the application process as outlined in §146.

11. A surety bond in the amount of \$20,000 from a company qualified to do business in Louisiana shall be submitted.

12. A copy of any required occupational license or business license(s) in the new owner(s) name shall be submitted.

13. The new owner(s) shall have the location certified as a third party tester site. The new owner shall obtain a new certificate of general liability insurance in the school's name. The certificate of general liability insurance shall list the school's address and the current policy dates. This certificate shall be from the issuing insurance carrier and not the agency. The limits shall be \$1,000,000 per occurrence in general liability.

a. The certificate of general liability insurance must show OMV's address as a certificate holder or additional insured with the following address:

Office of Motor Vehicles
Attention: Training and Certification Unit
P.O. Box 64886
Baton Rouge, LA 70896

b. For any cancellations or expirations, the insurance carrier shall notify OMV.

14. A minimum of one instructor must be certified as a third party tester examiner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1), R.S. 40:1461 and R.S. 40:1462.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:38:1976 (August 2012), amended LR 40:2603 (December 2014), LR 41:2665 (December 2015), amended LR 43:

§147. General Regulations for Private Driving Schools

A. All approved private driving schools shall operate from an office in the following manner:

1. The school shall provide a written document to the prospective student detailing the course to be provided and the fee charged for each service. This document shall be signed by the parent (if the student is a minor) or a student (if over the age of eighteen) and the school owner. A copy of this document and the paid receipt shall be provided to the person that signs the document.

2. DPS shall first approve any name to be used by a driving school. A school shall not use the word "state" or "education" in a part of the school name.

3. A school shall not use any name other than its approved name for advertising or publicity purposes, nor shall a school make any false or misleading statements in any of its advertisements or publications. A school shall not advertise or imply the school is "accredited" by any national or state organization for driving schools, when such accreditation does not exist.

4. A driving school shall not advertise in any way until the contract is offered by DPS to the driving school.

5. The school's license shall be conspicuously displayed in the business during operational hours. In the case of rented or leased space, the license shall be displayed at that location while the space is being utilized by the driving school.

6. In the event a school owner or instructor's license is revoked, that person shall not be involved in the administrative duties of the school without prior approval from the commissioner.

7. All schools shall post a sign within the classroom stating that anyone who wishes to file a complaint against the school may contact the Training and Certification Unit at the Office of Motor Vehicles, P.O. Box 64886, Baton Rouge, LA, 70896, Attn.: Training and Certification Unit.

8. Driving schools may employ instructors currently licensed by DPS without repeating the application process. A notification of employment of a currently licensed instructor (DPSMV6711) form shall be completed and submitted along with an application fee of \$10, in lieu of the instructor application packet.

9. The driving school shall adhere to all applicable federal, state and local laws and shall not engage in any form of unlawful discrimination or other activities. The owner or instructor shall not knowingly present to DPS false or misleading information relating to the licensing process.

10. Driving school owners shall not allow any person associated with the driving school, who has not passed a background check and whose background check is not on file with OMV, to be responsible for or to have direct care over minor students. The responsibility or direct care over the minor students shall be any contact with a student, including but not limited to, monitoring students, or transporting students to and from instruction. This rule applies to all driving school employees, including instructors and administrative staff, and any other associates of the driving school.

11. Driving school owners are responsible for all actions that occur in association with their driving school. This includes actions of instructors, school employees and employees of other businesses the owner may be involved with.

12. Driving school owners shall ensure that each student or potential student that contacts the school is treated respectfully and professionally at all times, regardless of their age, race, sex, sexual orientation, religious affiliation, etc., in accordance with Louisiana law regarding discrimination.

13. Driving school owners are responsible for ensuring all instructors are familiar with the rules and regulations covering driver education providers and are aware of the consequences of violating these rules.

B. Surety Bond

1. School owners shall be required to maintain a \$20,000 surety bond while maintaining a license to operate a driving school.

2. OMV shall be listed as the obligee.

3. Students (over eighteen) or parents (of minor students) may file with DPS for reimbursement of all or part of the course fee when the school or its instructors fail to provide the instruction as required by statute and these rules.

4. If the school is unable to complete a student's course, a parent or adult student may request a refund for the uncompleted portion of the course. This refund should be made available within 10 days of the request. If a reasonable request for a refund is not granted, the student and/or the parent may apply against the school's surety bond.

5. The parent/student must complete a claim form and submit the form and supporting documents with the claim to OMV for consideration. Supporting documents may include:

- a. copy of paid receipt for course;
- b. copy of any contract signed by parent/student and school; or
- c. any documents for course scheduling.

C. A school shall have a commercially established primary location where records shall be kept in a secure manner. Records shall be available for inspection between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. All schools must secure a business location for record keeping and test administration by September 1, 2017.

1. Classrooms utilized shall meet at least the minimum state, OSHA and ADA requirements for all classrooms.

a. All locations must be licensed prior to the classroom instruction.

b. A classroom location may be obtained by renting space from facilities in the form of a conference room or a meeting room. Photographs of these meeting rooms must be submitted with the license application for that location.

c. No classes are to be held in a room that is designed for temporary residence.

d. No facilities may be rented or leased from an establishment that restricts entrance by age (no minors).

e. No driving school shall be allowed to conduct business or instruction from a private residence. Any classroom located on private property shall not be attached to a private residence.

f. Classrooms shall begin and end at the same location, unless prior approval has been obtained from the commissioner.

2. The classroom shall be equipped with any current standards of equipment to properly instruct the classroom course.

3. The classroom may also be equipped with instructional software, traffic boards(s), state/local maps, laser pointer and traffic templates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1), R.S. 40:1461 and R.S. 40:1462.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:38:1977 (August 2012), amended LR 40:2604 (December 2014), LR 41:2665 (December 2015), amended LR 43:

§148. Secondary/Alternative School Driver Education Program

A. Qualifications for Secondary Schools and Instructors

1. The school shall have an established physical location where the driver education program will be administered.

2. The applicant for a classroom instructor shall meet the qualifications for instructors listed in §145.B.

3. Qualifications for Eight Hour behind the Wheel Instructor. To be an eight hour behind the wheel instructor the applicant shall:

- a. meet all of the qualifications for a secondary school classroom instructor;
- b. meet all of the qualifications in §145.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:38:1978 (August 2012), amended LR 43:

§149. Application Process and Fees for Secondary/Alternative Schools and Instructors

A.1. Application process for individual secondary schools in which the driver education program is controlled at the school level, shall submit the following:

1. complete application package. Incomplete application packages shall be returned;
2. complete initial application for secondary school driver's education program (DPSMV6714);
3. non-refundable \$50 application fee;
4. completed lesson plan as listed §146.A;
5. current e-mail address;
6. certificate of insurance in the school/system's name stating that all vehicles utilized in the behind the wheel course are currently insured and that upon cancellation or expiration, DPS will be notified. This certificate shall be from the issuing insurance carrier, not the agency; identify (by description and vehicle identification number) the vehicle(s) covered. The limits shall be from a company authorized to do business in this state in the amount of at least the minimum amount required by R.S. 32:900.

B. Application process for parish school system driver education programs which are controlled at the system level, shall include the following:

1. completed initial application for parish-wide driver education program application (DPSMV6713).

2. completed package as listed above in §146.A.3-6 in this chapter for individual secondary school application process.

C. Application for a Secondary School Driver Education Instructor License. Incomplete application packages shall be returned. Applicants shall submit a completed secondary school driver education instructor application (DPSMV2148) and the documents as listed in §146.

D. Licenses

1. School/Tester licenses shall be issued on a biennial basis. The initial license shall be valid from the date of issuance until August 31 of the current odd numbered year or next odd numbered year.

2. Every application for license shall be accompanied by a non-refundable application fee or renewal fee of \$25 per year, collected biennially, per location or per school system.

3. Instructor/Examiner License shall be issued on a biennial basis. The initial license shall be valid from the date of issuance until August 31 of the current odd numbered year or next odd numbered year.

4. If the completed application including all fees is not received by August 31, the license shall expire.

E. School/Tester License Fees

1. Every application or renewal for a school license shall be accompanied by an application fee or renewal fee of \$25 per year, collected biennially, per location.

2. Every application or renewal for a third party tester license shall be accompanied by an application fee or renewal fee of \$50 per year, collected biennially, per location.

3. Every application for license shall be accompanied by a non-refundable application fee or renewal fee of \$10 per year, collected biennially, for each individual instructor for the school or if a duplicate license is required.

4. If a school license or instructor license is lost or destroyed, a duplicate will be issued for a \$10 application fee upon a statement of fact or, in the case of mutilation, upon surrender of such license.

F. Instructor/Examiner License Fees

1. Every application for an instructor license shall be accompanied by an application fee or renewal fee of \$10 per year, collected biennially, or if a duplicate license is required.

2. Every application for an examiner license shall be accompanied by an application fee or renewal fee of \$25 per year, collected biennially, or if a duplicate license is required.

3. Every application for license shall be accompanied by a non-refundable application fee or renewal fee of \$10 per year, collected biennially, for each individual instructor for the school or if a duplicate license is required.

4. If a school license or instructor license is lost or destroyed, a duplicate will be issued for a \$10 application fee upon a statement of fact or, in the case of mutilation, upon surrender of such license.

G. Renewal

1. Application for renewal of a license shall be made on the prescribed renewal form (renewal application), by the

close of business on June 1 of the expiration year, and accompanied by the appropriate fees.

2. The fees shall be submitted in the form of a money order, certified check or check from a school.

3. Applications received after June 1, will be deemed untimely and may cause delay in renewal of the license. If the license is not issued prior to August 31, the school shall not be authorized to conduct any classes until the license is renewed.

4. Documents shall be submitted for the renewal process in the same manner as §147.B.8.

5. Any school that fails to renew their license within six months of expiration shall be required to begin the initial application process again.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:38:1979 (August 2012), amended LR 38:3235 (December 2012), amended LR 43:

§150 Regulations and Policies for Secondary and Alternative School Driver Education Courses

A. General Regulations for Secondary and Alternative Schools. All approved secondary and alternative schools shall operate from an office in the following manner.

1. In parishes where one or more instructors provide driver education instruction for all schools in the parish, the parish school system shall make application to provide driver education. The instructor shall be issued a parish-wide license for instruction.

2. If oversight for the driver education program is provided at the system level, the system shall determine the location where the records shall be kept. All records shall be maintained at a central location which provides DPS access to the records during daytime business hours.

3. Individual secondary schools shall apply to DPS for the approval of its driver education courses prior to the administration of same.

4. In school systems where the oversight for driver education is provided at the individual school level, the records shall be maintained at the individual school and shall be made available to DPS during daytime business hours.

5. Classroom instruction shall be provided at an approved and certified driving school. Home study is not permitted for any portion of the classroom instruction.

6. The school superintendent/principal shall share the responsibility for all acts performed by instructors or employees that are within the scope of employment and which occur during the course of employment.

7. Principals/superintendents shall be responsible for ensuring instructors complete continuing education courses in an effort to stay abreast of the latest trends and standards of driver education.

8. Secondary schools shall have the option to provide a six hour pre-licensing course.

9. Secondary schools shall have the option to administer the knowledge and road skills tests to students who are currently enrolled in its school system or have completed the system's driver education course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:38:1980 (August 2012), amended LR 43:

§151. Regulations for All Driver Education Providers

A. General Regulations. The rules and requirements listed in the remainder of this section shall apply to both private driving schools and driver education programs administered by secondary and alternative schools.

1. Prior to enrollment in a driver education or pre-licensing course, a student shall obtain a temporary instructional permit from OMV as required by R.S. 32:402.1. School owners will verify that the permit has been obtained prior to the student's participation in any driver's education course.

2. Employees of DPS whose duties relate in any way to the issuance of a driver's license shall not be connected with any driving school.

3. Failure to receive notification of information due to an improper e-mail address or filter setting is the owner's responsibility to correct.

4. The school shall notify DPS by e-mail at ladrivingschools@dps.la.gov of any change(s) in their contact information within 10 business days of such change.

5. Any additional instructors hired during the license period shall be properly licensed prior to administering any instruction.

6. The school shall permit DPS representatives to inspect the school and shall make available to DPS, when requested to do so, all information and records pertaining to the driver education program. Upon request, the school shall provide photo copies of the school records required by DPS.

7. The school shall not, by advertisement or otherwise, state or imply that a driver's license is guaranteed or assured upon completion of a driver education training course or the road skills test.

8. The school shall maintain adequate standards of instruction, qualified instructors, and equipment sufficient to adequately maintain the school and classes.

9. Instructors shall maintain a professional demeanor at all times when dealing with students.

10. Instructors shall not accompany any student into any examining office rented, leased or owned by DPS, for the purpose of assisting students in taking a driver's license examination.

11. Instructors shall not loiter, advertise or personally solicit any individual on the premises rented, leased or owned by DPS, and operated for the purpose of issuing driver's licenses.

12. Instructors shall not use the space provided on the premises of any office rented, leased or owned by DPS, for parallel parking or any other behind the wheel instruction during normal OMV business hours.

13. Each school shall maintain a minimum of one properly licensed instructor who is trained to administer road skills tests.

14. Home study is not permitted for any portion of the classroom instruction.

15. A school that is operating at a location without a current license may have its license and contract revoked or suspended, or a fine may be assessed.

16. All grievances or complaints made against the school and/or instructor shall be addressed within 10 business days and the resolution shall be documented.

17. The school shall notify OMV of any licensed instructor who leaves the employment of the school within 10 business days. The instructor license shall be returned to OMV for cancellation. OMV shall provide the school e-mail

notification that the license has been received within three business days.

18. A licensed owner or instructor who is arrested for any offense which would disqualify him shall notify OMV in writing within three days of the arrest. Failure to notify OMV may result in suspension or revocation of the school and/or instructor license.

19. Owners/principals/superintendents are responsible for ensuring that instructors complete the required continuing education courses in an effort to stay abreast of the latest trends and standards of driver education.

20. Driver education instructors shall participate in and provide evidence of completion of at least two separate courses from the following list to obtain credit for continuing education on an annual basis. Credit shall be given only for courses that were completed during the appropriate licensing period. The same course cannot be submitted in consecutive years. The list includes:

a. post-secondary course that pertains to driver education as provided by an accredited college or university. A passing grade is required;

b. an approved defensive driving instructor development course;

c. a course provided by national, state, or regionally sponsored in-service workshops, seminars, or conferences that pertain to subject matters relative to the practice of driver education or teaching techniques; and

d. a course that pertains to subject matters relative to driving safety.

21. Each instructor shall once every two years provide proof of completion of:

a. a standard first aid or CPR certification, and

b. a training course on the prevention of sexual harassment.

22. In the event of a voluntary school closure, the school must notify OMV within 10 business days of closing by submitting the Notification of Facility Closure form approved and provided by DPS/OMV. The original license shall be attached to the notification form.

a. The school may reapply within 180 days of closure (upon approval by DPS). A replacement license shall be issued with a new issuance date upon payment of a \$25 fee.

b. If a new location is selected, the school shall not conduct any classes until the new location has been inspected and approved.

c. If the school has been closed for 180 consecutive calendar days, a new school application with applicable fees must be submitted.

23. An instructor may be eligible to apply to another licensed school if the school where the instructor is currently employed has its license or contract revoked.

24. Any person who engages in prohibited activity, such as, administering classroom instruction, behind the wheel instruction, issuing certificates of completion or advertising as a licensed, authorized or approved driving school, or holding oneself out as an authorized or approved driving school or instructor without a license, authorization or approval by DPS shall be subject to the issuance of a cease and desist order.

25. Approved driver education providers shall be listed on OMV's website upon license issuance.

26. School owners shall ensure students are enrolled in the correct course according to age and eligibility.

27. An instructor shall not request a student go to any location that is not in the scope of the driver education instruction or program.

28. An instruction shall not take a student to any location that is not in the scope of the driver education instruction or program.

29. The school owner may designate a representative (licensed instructor of the school) to oversee and assume responsibility for the operation of the school and to sign school documents, except for the third party tester agreement. The completed Assignment of Designated Representative form must be on file with DPS.

B. Records Regulations.

1. A school shall have a primary location where records shall be kept in a secure manner. Records shall be available for inspection between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Only schools which are currently licensed by June 30, 2012 and currently maintain records at the owner's residence are allowed to do so. If the physical location where records are kept is the owner's residence, the owner agrees to make the records available for inspection. All schools licensed from this point forward will be required to maintain a primary location for the records.

2. Any forms approved and provided by OMV/DPS shall not be modified without prior written approval from OMV, with the following exceptions.

a. Schools shall place the school name and license number on the heading of the document.

b. Portions of the document may be highlighted for ease of use for the instructor and student.

3. All schools shall make available records and necessary data required for licensing for inspection by authorized DPS representatives.

a. DPS may require a licensee to submit any original records and data that are necessary for the facilitation and/or completion of an investigation pertaining to a violation of these rules or the Child Protection Act.

b. All documents shall contain the required information or they shall be considered incomplete.

c. Any records that are required to be submitted from the school to DPS upon request from DPS, are then considered DPS records.

4. All records and necessary data pertaining to the operation of the school shall be maintained in the office for five years. A hard copy original shall be maintained for one year. Records may be electronic after one year.

5. Records shall include, but are not limited to:

a. a file including the name, address and contact information of all guest lecturers;

b. a file on all instructors containing a copy of the instructor's license and employment records including time and attendance records as well as address and contact information.

c. a copy of lesson plans and other resources utilized for classroom instruction. Written documentation of the lesson plan for the behind the wheel portion of the course;

d. class schedules and sign in rosters from classes held;

e. copies of all written complaints and grievances filed with the school along with written documentation of the resolution.

6. Every driving school shall maintain the following records on the individual student who is administered either the driver's education or pre-licensing course:

a. official name and address of the school;

b. completed enrollment form which shall include, but is not limited to, the following:

i. a copy of the temporary instruction permit, telephone number and physical address (other than P.O. Box);

ii. parental/guardian consent for minor applicants, including identification presented;

iii. date of enrollment;

iv. any funds received from, or on behalf of, a student;

v. dates of classroom instruction;

c. date and reason why instruction terminated, if applicable;

d. copy of certificate of completion.

7. Every driving school shall maintain a class schedule and shall notify DPS of the classes scheduled, including the type of course to be administered. This schedule may be submitted biannually. DPS shall be notified of any changes in the schedule after submission to DPS. The driving school may post the class schedule on its website.

C. Minimum Course Standards

1. A minimum of one instructor is required for each classroom.

2. No more than eight hours of instruction, including unit tests or final examination, shall be conducted per day.

3. Administrative procedures, such as registration, shall not be included in instructional time. Registration shall be completed prior to the start of the first class session.

4. Lunch periods shall be proportionate to instructional time but shall not be considered as part of the instructional time for a driver education course.

5. Allotted break times shall not exceed 15 minutes per each 2 hours of instruction. All break periods shall be provided prior to the final examination.

6. The driver education course shall provide a minimum of 30 hours of classroom instruction. The formalized instruction, a minimum of 22 1/2 hours (75 percent), will consist of lecture, computer format and classroom discussion. The instruction provided with audio visuals may include films, slides, videos or demonstrations specifically designed to supplement the formalized instruction. A maximum of 7 1/2 hours (25 percent) may consist of audio visuals.

7. The driver education course and the pre-licensing course shall not be conducted simultaneously in the same classroom setting.

8. DPS reserves the right to attend any classroom course provided by the school to ensure full compliance with administrative code and course content.

9. The pre-licensing course shall provide a minimum of six hours of classroom instruction. The formalized instruction, a minimum of four and half hours (75 percent), will consist of lecture, computer format and classroom discussion. The instruction provided with audio visuals may include films, slides, videos or demonstrations specifically designed to supplement the formalized instruction. A maximum of one and half hours (25 percent) may consist of audio visuals.

10. Unit tests shall be administered to measure the effectiveness of instruction during the classroom course. Unit tests given shall not replace the final test.

11. A student may opt to complete the behind the wheel instruction at a different school. The school shall provide the student with the appropriate certificate of completion for requirements met by the student.

12. A school owner, instructor or employee shall not give a student the impression, by advertisement or otherwise, that a driver's license, learner's permit, or certificate of completion is guaranteed or assured.

13. A school owner, instructor or employee shall not give any impression that Carnegie credits will be given upon completion of this course, without the expressed written approval of the Louisiana Department of Education.

D. Classroom Setting Standards

1. The classroom capacity shall meet the stipulations as defined in §147.C.

2. Classroom settings shall be conducive for learning and shall include seating in the form of tables and chairs or desks.

3. Multiple classrooms shall be separated by solid walls which are made of materials that reduce noise transfer between classrooms.

4. Schools which share locations with other businesses shall take all means necessary to ensure the security and safety of minor students and shall ensure the location is free of interruptions during scheduled class times.

E. Exam Standards

1. A final examination, provided by DPS, shall be administered to all students at the completion of the course. Students may not be given credit for the classroom course unless they score at least 80 percent on the final examination.

2. Passing the final examination in the driver education course shall qualify the student for a driver's license or a learner's permit without the administration of a knowledge test by OMV.

3. Every 120 days DPS shall furnish the school with a new version of the knowledge test. The school shall shred all previous versions of the tests upon receipt of the new updated versions.

4. All copies of the tests and answer keys shall be kept under lock and key at all times. In order to deter theft, photocopies of the test shall not be produced in bulk. Photocopies of the test should be produced at the completion of the course and only sufficient numbers photocopied for the enrolled students. Any unused tests should be shredded.

5. Lost or stolen knowledge tests shall be reported to OMV immediately. The local law enforcement agency shall also be notified and a police report shall be submitted to OMV immediately.

6. Each student who is administered the final knowledge test shall be notified, prior to testing, that he is subject to being re-tested by OMV at any time.

7. The classroom instructor shall ensure that students seated next to each other have different versions of the test to complete.

8. Any student who fails the final exam shall be allowed to re-test once the same day. If the student does not pass the test on the second attempt, the student may return any day thereafter and re-test twice each day until the test is passed.

9. Students who cheat on the test will have the test destroyed and shall wait 30 days before re-testing.

10. The completed test shall be attached to the Certificate of Completion for surrender to DPS at the time of license application. Both documents shall be placed in a sealed envelope.

11. Students may not leave the classroom during the final examination. Electronic devices (tablets, PDAs, cell phones) for personal use shall not be allowed in the classroom during examinations. Electronic devices used for test administration are acceptable.

12. Schools and/or instructors that provide students with the answers to the test, teach only the information contained on the test, do not properly secure the tests, and assist a student to pass the final exam by deceptive practices, or accept bribes to give a student a passing score shall have their license/certification/agreement revoked.

F. Insurance and Safety Requirements

1. Every motor vehicle used for behind the wheel instruction shall be properly registered in Louisiana and display a current Louisiana inspection sticker. The vehicle shall be equipped with the following special equipment:

a. securely installed dual controls of the foot brake (and clutch on vehicles with manual transmission), capable of bringing the vehicle to a stop and otherwise equipped, in accordance with Louisiana laws;

b. interior rearview mirrors attached to the windshield, one for the driver and one for the instructor to monitor traffic;

c. appropriate cushions for proper seat in seating, and brake and accelerator pedal extensions available for students when necessary;

d. instructor's eye check mirror to monitor eye movement of students;

e. first aid kit; and

f. fire extinguisher (at least UL rated 5B:C).

2. All vehicles utilized in the behind the wheel instruction shall be properly insured in the school's name. A certificate of auto liability insurance shall be provided to DPS identifying (by description and vehicle identification number) the vehicle(s) covered. This certificate shall be from the issuing insurance carrier, not the agency. The limits shall be from an insurance company authorized to do business in this state in the amount of at least the minimum amount required by R.S. 32:900. Upon cancellation or expiration of the policy, DPS shall be notified by the insurance carrier.

3. Every vehicle used for behind the wheel instruction shall contain a conspicuously displayed, securely fastened sign to the rear stating "student driver." A sign bearing the name of the driving school under which it is licensed may be used in lieu of the student driver sign. The sign shall be in plain view and shall have contrasting letters not less than 3 1/2 inches in height, readable from a distance of not less than 100 feet. A decal or sign listing the school name, address and phone number shall be displayed on each side of the vehicle.

4. DPS shall be advised via e-mail at la.driving.schools@dps.la.gov within 10 business days of a vehicle that is removed from service and shall be provided the required information on replacement vehicles. OMV shall provide the school e-mail notification within three business days that the information has been received. The school shall send the odometer reading of vehicles for the

first and last day of service and proof of registration for the vehicle(s) removed or added to service:

5. Motor vehicles utilized for behind the wheel instruction shall have less than 300,000 miles recorded on the odometer and shall be maintained in safe mechanical and physical condition at all times. Vehicles utilized should be of a type that is not intimidating to a novice driver. It is recommended that vehicles used are in the "compact" or "intermediate" size classification.

6. Fleet Policies. If the driving school is covered under a fleet policy and desires to add another vehicle to its fleet, it must advise the insurance company to notify DPS that this unit (specifying the make, model and vehicle identification number) has been added. The insurance company shall furnish the department a copy of the certificate of auto liability insurance with the addition of the vehicle.

H. Behind the Wheel Instruction Requirements

1. A student shall be at least 15 years of age to participate in the behind the wheel instruction.

2. The domiciliary parent/guardian of a minor student shall sign the consent prior to any behind the wheel instruction. The consent shall be signed in the presence of the owner or an instructor.

3. Prior to each behind the wheel driving session, the school shall verify that the student's temporary instructional permit is in his possession at all times while driving. The permit shall be presented upon request to any law enforcement officer.

4. No more than two students shall be allowed in a school vehicle during the behind the wheel instruction. Only the student driver and the driving instructor shall be allowed in the front seat of such vehicle. Students shall not receive credit for riding time.

5. The behind the wheel instructor shall use and complete the driver education vehicle monthly log each time a student operates the driver education vehicle. The log shall not be utilized to record a student's riding time. At the end of each month the log shall be filed in the primary office of the school.

6. The eight hour behind the wheel instruction shall be completed within 90 days of the end of the classroom instruction for the 6 hour classroom course. The eight hour behind the wheel instruction shall be completed within 120 days of the end of the classroom instruction for the 30 hour classroom course.

a. It is the responsibility of the driving school, (not the parent/student) to schedule acceptable times for the student's behind the wheel instruction and to finish it within the 90 day or 120 day time frame.

b. Behind the wheel instruction shall not be performed before 6 am or after 10 pm or during any time that would result in an unexcused absence from school as defined by Louisiana Department of Education.

c. The school must provide documentation satisfactory to DPS that a student has not completed the behind the wheel course for reasons that are beyond the control of the school. Acceptable reasons include, but are not limited to, the following:

i. the student was given sufficient notice and opportunity to complete the course;

ii. the student was provided a certificate of completion for the classroom portion;

iii. the student has been issued a refund of the fee, if any, specifically for the eight hour behind the wheel course;

iv. the student has been removed from the active class roster for documented cause.

d. If the driving school has not completed behind the wheel instruction within the requisite time frame, DPS may issue an order to the driving school to not begin any classroom instruction until all outstanding behind the wheel instruction is complete. DPS will notify the school when the order has been lifted. Violations of this Section may be subject to a fine.

e. If the behind the wheel driving portion of the class is terminated or cannot be completed within the required time frame, documentation with details explaining the reason shall be maintained in the student's file. OMV may contact the student, parent or guardian to verify the reason listed is accurate.

f. Upon DPS' request, the driving school must provide records of the behind the wheel instruction to DPS.

7. Electronic communication devices shall not be utilized by any occupant of the vehicle during a driving session, except in emergency type situations or when the vehicle is stopped and off the road in a safe location.

8. The student shall not engage in any activity unrelated to driving instruction during behind the wheel instruction.

9. Behind the wheel instructors shall remain alert during the student's driving session.

10. An instructor shall not perform any other activity not pertaining to supervising behind the wheel driving instruction.

11. The behind the wheel instruction shall expose the student to as many types of roadways as possible, based on the student's skill level progression. At least one hour of instruction on the following types of roadways is recommended:

a. rural roads;

b. city roads;

c. major highways;

d. interstate;

e. to and from a student's home and school; or,

f. additional time may include traveling roadways where the student exhibits any weakness.

12. A student's driving progress shall be documented in the student's record.

13. The beginning and ending odometer reading on the vehicle shall be recorded prior to each student's driving session. Any odometer reading shall not be altered without an accompanying explanation.

14. Students shall score at a minimum of 70 percent on the eight hour behind the wheel course to receive a certificate of completion for the course.

I. Driver Education Certificate of Completion Requirements

1. The driver education certificate of completion will expire five years after the completion date.

2. Every driving school approved by DPS, shall be required to serially number and complete the uniform driver education certificate of completion. Each certificate shall display a distinguishing seal, consisting of the driving school's name, affixed to the specified area of the form, not to obscure any of the required signatures.

3. The certificate of completion shall be completed in its entirety by school personnel prior to issuance to the student.

4. Upon request, driving schools shall provide photocopies or duplicates of driver education certificate of completion upon a student's request for a minimum of five years from the date of issuance. Such duplicates shall be signed and dated by the owner of the driving school.

5. Every driving school shall maintain an ascending numerical accounting record of all certificates issued.

6. Unissued driver education certificates of completion shall be safeguarded at all times. The certificates shall be kept in a secure place under lock and key and shall be made available to those representatives of the driving school authorized to issue such certificates, DPS representatives, and any law enforcement agency during normal business hours.

7. Unissued lost or stolen certificates of completion shall be reported to DPS immediately. If a theft or suspected theft has occurred, the local law enforcement agency shall also be notified and a police report submitted to OMV.

8. A student may opt to complete the behind the wheel instruction at a different driving school. The school shall provide the student with the appropriate certificate of completion for requirements met by student.

9. Schools shall complete a student assessment including any comments relevant to the student's proficiency and shall attach the assessment to the driver education certificate of completion to advise the parent(s) of the student's driving proficiency

J. Code of Conduct of Driving Schools

1. All driving schools shall comply with all applicable federal, state, and local laws and regulations.

2. All driving schools shall conduct themselves in a professional manner when communicating with the public, students and representatives of DPS.

3. All driving schools shall encourage their employees to perform their duties conscientiously, honestly and in accordance with the best interests of DPS and the students.

4. All driving schools are representatives of DPS and shall conduct themselves in such a manner that reflects positively on the mission statement set forth with DPS.

5. All driving schools shall demonstrate the core values of integrity, respect, performance excellence and accountability.

6. The driving school shall adhere to applicable federal, state, and local laws and shall not engage in any form of unlawful discrimination or other illegal activities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:38:1980 (August 2012), amended LR 41:151 (January 2015), amended LR 43:

§152. School Policies and Course Specifications

A. Every driving school shall furnish each student/parent with the school policies prior to the beginning of any instruction. The following information shall be contained in the school policies.

1. The total fee for the course of instruction shall be listed by classroom fee and behind the wheel fee. This fee shall cover all expenses including the cost of the original and at least one copy of the driver education certificate of completion provided to each student.

2. Any additional charge for the use of a school vehicle in taking behind the wheel instruction or for transporting a student to/from instruction.

3. In the event of a school's closure, either by voluntary measures or by action of DPS, a refund will be issued upon request. All refunds will be processed within 30 days after the effective date of termination or request, whichever occurs first;

4. The school's standards of required behavior including but not limited to:

a. an absolute prohibition against cheating as well as the consequences which will result if these standards are violated;

b. the school's policy on students' use of electronic communication devices in the classroom; and

c. the school's policy pertaining to absence and rescheduling procedures.

B. Course Specifications

1. The purpose for course specification is to explain the documentation and procedures for the student/parent required for the course.

2. DPS' grading policy, indicating that a passing score of 80 percent on the classroom and 70 percent behind the wheel shall be achieved in order to be issued a driver education certificate of completion;

3. Explanation of instruction the student will receive including:

a. number of mandated classroom instruction hours;

b. number of mandated behind the wheel instruction hours; and

c. how the student's performance will be evaluated and the requirements necessary to complete the course.

4. Identification of alternative testing techniques to be used for students with hearing, speech or learning disabilities. This information should be made available prior to the student's enrollment.

C. School Policies

1. If the school is unable to complete a student's course, a parent or adult student may request a refund for the uncompleted portion of the course. This refund should be made available within 10 days of the request. If a reasonable request for a refund is not granted, the student and/or the parent may apply against the school's surety bond.

2. In the event of a school's closure, either by voluntary measures or by action of DPS, a refund will be issued upon request. All refunds will be processed within 30 days after the effective date of termination or request, whichever is sooner.

3. Any student(s) trained by an unlicensed instructor may shall be entitled to a refund of tuition and fees as determined by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:38:1984 (August 2012), amended LR 43:

§153. Parental Orientation

[Formerly §154]

A. Upon enrollment of a minor student, the school shall conduct a parental orientation responsibility segment with the parents/guardian of the student. The school shall maintain a roster of the parents/guardian who attended the parental responsibility segment. The segment shall include, but not be limited to the following:

1. a review of the course content;
2. a review of the leading factors involved in teen driver collisions;
3. the graduated driver license program;
4. determining the readiness of the teen to begin the driving process;
5. the parent's responsibility to enhance the teen's driving experience;
6. supervising the teen's driving to determine his readiness to advance to the next licensing stage;
7. the parent/guardian's responsibility to provide a minimum of 50 hours supervised practice driving including 15 hours night time practice; and
8. parent/teen agreement.

B. The parental segment shall not count as part of the 30 hours of classroom instruction and shall be conducted prior to the first day of class.

C. In lieu of the school requirement, DPS may approve and designate a third party to provide the parental responsibility segment. The parent/guardian shall be required to attend the third party segment and provide proof of attendance to the driving school prior to the minor's participations in any classroom instruction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A) (1) and R.S. 40:1461.

HISTORICAL NOTE: HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:38:1985 (August 2012), amended LR 38:3235 (December 2012), LR 43:

§154. Driver Education Curriculum **[Formerly §153]**

A. The curriculum contained in this subchapter was obtained from documents provided by National Highway Traffic Safety Administration (NHTSA) for Novice Teen Driver Education and Training Administrative Standards. It was prepared by the Driving School Association of the Americas and meets the current recommended national standards.

1. The curriculum as provided in these rules shall be covered in its entirety.

2. The order in which the topics are presented and the manner in which they are presented are left up to the discretion and teaching strategies of each school.

3. Each school will be responsible for utilizing its creative license to present the course in such a manner the students will absorb and retain the information presented.

4. Media resources may be used to augment the program's curriculum. All media resources shall relate to the topic presented and shall not contain any offensive or inappropriate subject matter. A master list of media resources shall be maintained in the school's records.

B. The Louisiana Driver Guide for Class D/E License will include the curriculum utilized in the 30 and six hour classroom course and will be made available to students and/or schools from DPS.

C. Core Curriculum

1. Chapter 1 Introduction to Driving. This chapter will describe the requirements to obtain a Louisiana driver's license and general nature of the driving task in the complex Highway Transportation System (HTS), while recognizing the importance and seriousness of the highway safety problem. The many interactions of the three major elements of the HTS, roads, vehicles and people, result in a large number of diverse traffic situations and problems.

a. Louisiana process for earning the privilege to drive:

- i. age requirements;
- ii. organ donation;
- iii. selective service;
- iv. graduated license program; and

b. Highway Transportation System

i. The traffic safety problem (instructional objective—to develop an understanding of the nature of the traffic safety problem and to instill in each student a sense of responsibility for its solution):

(a). identification of the overall traffic problems in the United States and Louisiana, as well as the local jurisdiction where the course is being taught;

(b). death, injuries and economic loss resulting from motor vehicle crashes in Louisiana; and

(c). five leading causes of motor vehicle crashes in Louisiana as identified by the Department of Public Safety and Corrections, Public Safety Services;

- ii. careless and/or reckless operation;
- iii. failure to yield;
- iv. following too closely;
- v. speeding;
- vi. unknown/unspecified;
- vii. each year the current statistics can be obtained from <http://datareports.lsu.edu>.

c. Driving in the Highway Transportation System (instructional objective—understanding highway traffic systems and the driver's responsibilities)

- i. Make-up of a complex system:
 - (a). number and types of elements;
 - (b). continuous interaction of elements; and
 - (c). need for regulations and control.
- ii. Number and types of traffic units:
 - (a). kinds of vehicles and its condition;
 - (b). characteristics of drivers;
 - (c). pedestrians and animals; and
 - (d). traffic volumes and congestion.
- iii. Number and types of highways:
 - (a). design features;
 - (b). conditions and maintenance; and
 - (c). environmental settings.
- iv. Number and types of traffic controls:
 - (a). signs and signals;
 - (b). roadway markings; and
 - (c). written laws.

2. Chapter 2 Vehicle Components and Operation. What can a motor vehicle do or not do in a given situation? The more drivers know about a car's maneuvering and performance capabilities, the better they can handle emergencies. Drivers will also be better prepared to predict the probable actions of other drivers.

a. Proper use of safety restraint systems:

- i. law of physics:
 - (a). momentum;
 - (b). inertia;
 - (c). kinetic energy;
 - (d). gravity;
 - (e). friction; and
 - (f). force of impact;
 - ii. proper safety belt position; and
 - iii. jurisdictional laws and driver responsible for compliance of all passengers in the vehicle
- b. Safe and proper use of basic vehicle equipment:

- i. control devices;
 - ii. instruments and warning indicators;
 - iii. devices that aid visibility;
 - iv. safety devices;
 - v. comfort devices;
 - vi. anti-theft devices;
 - vii. communication devices; and
 - viii. traction control devices.
 - c. Safe and proper pre-trip checks:
 - i. maintaining your vehicle (instructional objective—a well maintained vehicle is safer to drive):
 - (a). vehicle inspection;
 - (b). preventive maintenance—brakes, tires, steering/suspension, under the hood;
 - (c). fuel economy—vehicle choice and maintenance, driving habits; and
 - (d). planning a trip—preparing vehicle and yourself;
 - ii. friction:
 - (a). speed for conditions;
 - (b). effect of road surfaces on stopping;
 - (c). seasonal changes and road surfaces; and
 - (d). tire types and conditions.
 - d. Vehicle Handling. Safe and responsible vehicle control:
 - i. controlling the vehicle safely and responsibly:
 - (a). hand position;
 - (b). visual tracking;
 - (c). steering control and over steering and understeering;
 - (d). seating position;
 - (e). starting and accelerating;
 - (f). speed control;
 - (g). deceleration and braking and comparison of ABS systems, power brakes and standard actions;
 - (h). changing lanes;
 - (i). parking brake;
 - (j). parking;
 - (k). changing direction and turns;
 - (l). passing;
 - (m). following distance;
 - (n). right-of-way maneuvers;
 - (o). turns;
 - (p). cornering;
 - (q). highway and freeway driving; and
 - (r). urban and rural driving;
 - ii. safe and responsible handling of the vehicle under various conditions:
 - (a). weight management;
 - (b). time management;
 - (c). space management;
 - (d). stopping distances;
 - (e). braking distances;
 - (f). following too closely;
 - (g). speed for conditions;
 - (h). effect of road surfaces on stopping;
 - (i). seasonal changes and road surfaces; and
 - (j). tire types and conditions;
 - iii. safe and responsible driving to avoid crashes:
 - (a). crash avoidance habits and basic evasive maneuvers.
3. Chapter 3 Perception and Risk Management—to Develop Knowledge, Appreciation, and Skills Related to

Perception and Risk Management and How They Contribute to Safe and Responsible Driving

- a. Safe and proper observation skills:
 - i. what and where to observe and when:
 - (a). 360 degree vision;
 - (b). distance scanning and judgment;
 - (c). peripheral vision;
 - (d). blind spots;
 - (e). visual obstructions; and
 - (f). limits of observation;
 - ii. how to observe:
 - (a). active attention;
 - (b). shoulder checks;
 - (c). peripheral vision; and
 - (d). mirrors;
 - iii. visual search and scanning to detect potential hazards:
 - (a). distinguish hazards from typical occurrences;
 - (b). scanning patterns under all conditions; and
 - (c). detecting potential path deviations;
 - iv. potential hazards of driving and effective responses:
 - (a). vehicle malfunctions;
 - (b). weather/environmental conditions;
 - (c). road conditions;
 - (d). railroad crossings;
 - (e). vehicle conditions;
 - (f). distractions inside the vehicle;
 - (g). distractions outside the vehicle;
 - (h). other road users and air turbulence from large vehicles;
 - (i). unpredictable driving behavior;
 - (j). driving error resulting in danger to self and to other road users; and
 - (k). detection and recovery from skidding and sliding—principles of skid control and slide control.
 - b. Effective decision making to ensure safe driving:
 - i. hazard perception, decision making, and judgment:
 - (a). scan, identifying problems, predicting outcomes, deciding action and executing decisions (SIPDE);
 - (b). using the SIPDE process—avoiding, separating and handling hazards, managing time, speed and space, following and stopping distance; and
 - (c). trouble spots limiting use of SIPDE process—limited visibility, traction, space;
 - ii. using decision making skills to drive safely:
 - (a). evaluate whether or not to drive;
 - (b). anticipate what might happen;
 - (c). predict possible solutions;
 - (d). prioritize situations and solutions;
 - (e). make appropriate choices under pressure;
 - (f). identify consequences;
 - (g). make multiple decisions quickly; and
 - (h). develop a hierarchy of responses to various situations and alternative responses.
4. Chapter 4 Traffic Laws. Without good traffic laws and enforcement, the safe and efficient movement of traffic on our highways would not be possible. Traffic laws are of little value if they are not understood and voluntarily followed.
- a. Safety

i. Traffic laws for safety (instructional objective—familiarization with traffic and vehicle laws and to influence drivers to comply with laws on a voluntary basis):

- (a). seat belt usage and child restraints;
- (b). right-of-way rules;
- (c). speed laws;
- (d). special safety laws—DWI, implied consent, open container, post-collision procedures;
- (e). texting/cell phone usage;
- (f). driving while fatigued/under duress or stress;
- (g). emergency vehicles; and
- (h). multi-lane highways and left lane usage.

ii. Compliance with traffic control devices as a foundation for safe and responsible driving and traffic control devices:

- (a). signs;
- (b). signals;
- (c). markings; and
- (d). railroad crossings.

iii. Major traffic law violations:

- (a). reckless homicide;
- (b). reckless driving;
- (c). driving under the influence of alcohol or drugs; and
- (d). driving without a license.

b. Other Issues

i. Other law violations:

- (a). financial responsibility/compulsory insurance;
- (b). littering; and
- (c). possessing, obtaining, or using a fraudulent driver's license, or identification card.

ii. Alcohol, other drugs, and driving:

- (a). drug use and abuse—dangers, cautions, effects;
- (b). alcohol and the driver—effects; and
- (c). responsibilities as a driver, passenger, host, person.

5. Chapter 5 Driver Behavior—to Develop Knowledge, Appreciation, and Skills Related to Driver Behavior and How It Contributes to Safe, Responsible, and Incident-Free Driving

a. Assessment and reactions:

i. accurate assessment of driving environments, road conditions and appropriate adjustment of driving behavior:

(a). adjusting driving behavior for different driving conditions;

ii. controlled emotional reactions related to driving:

(a). potential effects on driver decision making; and

(b). recognizing internal cues and control responses;

iii. positive driving attitudes and behavior.

b. Personal factors and influence:

- i. personal driving values and beliefs;
- ii. motives that influence driving;
- iii. how motives change under different circumstances; and
- iv. how values, beliefs, and motives influence attitudes toward driving.

c. Social factors and influence:

- i. influence of advertising;
- ii. social attitudes towards cars and driving;
- iii. influence of other people's driving habits; and
- iv. peer pressure and driving.

d. Resisting negative pressures:

- i. personal value of resisting negative pressures;
- ii. resist negative informal pressures;
- iii. resist negative media and commercial messages; and

iv. entertainment media use of driving imagery.

e. Positive driving attitudes:

- i. driving is a privilege not a right;
- ii. overcoming negative motives;
- iii. driving courteously;
- iv. cooperative driving; and
- v. impact of driver behavior on other road users.

f. Responsible and informed decision making:

i. how formal rules of the road, common safe practices of road users, and informed decision making contribute to safe and responsible driving;

ii. approaches to decision making;

iii. importance of good decision making; and

iv. consequences of poor decision making.

g. Environmentally conscious and efficient driving behavior:

i. fuel efficiency;

ii. mandatory emissions testing (inspection stickers);

iii. proper disposal of cars, fluids, batteries, and tires;

iv. littering;

v. planning safer and more efficient activities and routes; and

vi. economic benefits of driving efficiently.

6. Chapter 6 Sharing the Road. To develop knowledge, appreciation, and skills to related to effectively interacting with other road-users and how it contributes to safe, responsible, and incident-free driving.

a. Cooperative driving:

i. sharing the road in a safe and considerate manner;

ii. understanding other road-users needs;

iii. passing safely;

iv. space management;

v. benefits of cooperative and courteous driving;

vi. pedestrians, animals and bicycles;

vii. sharing the road with school buses;

viii. sharing the road with motorcycles and mopeds;

ix. sharing the road with commercial vehicles;

x. sharing the road with law enforcement and emergency vehicles; and

xi. cooperative interstate driving;

b. Appropriate communication with other road users:

i. communicating effectively with other road users; and

ii. habits and attitudes related to effective communication:

c. consistently communicate driving intentions;

d. adjusting communication based on observation of the driving environment and other road users.

e. towing a vehicle; and

f. safety tips for driving with a trailer.

7. Chapter 7 Attention—to Develop Knowledge, Appreciation, and Skills Related to Attention and How It Contributes to Safe, Responsible, and Incident-Free Driving

a. Safe and responsible actions related to impaired driving:

- i. types of impairment:
 - (a). drug;
 - (b). alcohol;
 - (c). fatigue;
 - (d). drowsy driving;
 - (e). illness;
 - (f). medication;
 - (g). mental stress; and
 - (h). combination of multiple impairments.
- ii. effects of impairment:
 - (a). impaired judgment; and
 - (b). lack of attention/alertness.
- iii. myths and facts related to impairment; and
- iv. consequences of impaired driving;

responsibilities of a driver, passenger, host and person; and,
(a). personal and social consequences—
(b). legal and economic consequences.

- b. Managed driver distraction:
 - i. distracted driving:
 - (a). distraction inside the vehicle; and,
 - (b). distractions outside the vehicle;
 - ii. managing attention:
 - (a). switching attention;
 - (b). divided attention;
 - (c). focused attention; and,
 - (d). sustained attention;

8. Chapter 8 Respect and Responsibility—to Develop Knowledge, Appreciation, and Skills Related to Respectful and Responsible Driving Attitudes and How They Contribute to Safe, Responsible, and Incident-Free Driving

a. Safe and Responsible Response to Emergency Situations

- i. Responding to emergency situations:
 - (a). minor or major motor vehicle crashes;
 - (b). arriving at the scene of a crash;
 - (c). being stopped by a law enforcement officer, including, but not limited to the following:
 - [i]. instruction concerning law enforcement procedures for traffic stops;
 - [ii]. instruction on the importance of officers, drivers, and passengers maintain integrity and respect during traffic stops;
 - [iii]. demonstrations of appropriate interactions with law enforcement; and
 - [iv]. demonstrations of the proper actions to be taken during traffic stops.
 - (d). yielding to an emergency vehicle; and
 - (e). vehicle malfunctions.

b. Leadership in Promoting Safe Driving

- i. Being a safe, respectful, and responsible driver:
 - (a). being a leader in safety restraint use and promote it in others;
 - (b). being fit to drive and promote it in others; and,
 - (c). being caring and empathetic towards other road-users.
- ii. Conflict avoidance regardless of fault:
 - (a). respecting other road-users' safety margins; and

- (b). avoiding road rage in yourself and others.

c. Respect for the Environment as it Relates to Operating a Vehicle

i. Environmentally conscious and efficient driving behavior:

- (a). fuel efficiency;
- (b). mandatory emissions testing;
- (c). proper disposal of cars, fluids, batteries, and

tires;

- (d). littering;
- (e). planning safer and more efficient activities

and routes; and

- (f). economic benefits of driving efficiently.

d. Lifelong Learning Approach to Driving

i. The driver as a lifelong learner:

- (a). factors that contribute to changes in driving skill;
 - (b). changing motor vehicle technology;
 - (c). changing driving practices and laws; and,
 - (d). the aging driving population.

9. Chapter 9— Defensive Driving:

a. five leading causes of collisions:

b. basic maneuvers for avoiding collisions:

i. tactical maneuvers; and

ii. mental skills;

c. major driving errors:

i. compensating for another driver's error;

d. counter measures for driver physical conditions:

i. fatigue;

ii. illness;

iii. physical impairments;

iv. stress; and

v. trip fatigue.

10. Chapter 10 Summation and Review— Comprehensive Summation of Chapter(s)/Chapter Test(s) and Knowledge Test. Upon completion of the classroom course and review of the chapters, the school shall administer the knowledge test.

D. Eight Hour behind the Wheel Curriculum. The behind-the-wheel portion of the curriculum will be limited to no more than four hours behind the wheel for each student daily with a fifteen minute break after two hours driving time. There shall be no more than two students in the vehicle with the instructor. Upon completion of the behind the wheel portion a skills assessment shall be performed by the instructor. A road skills test shall be administered and the student shall attain a minimum score of 70 percent or more to receive a certificate of completion.

1. Practical instruction shall include, at a minimum, the demonstration of and actual instructions in the following maneuvers:

a. vehicle checks:

i. pre-trip vehicle inspection—outside/inside vehicle;

b. turning skills:

i. steering; and

ii. turn signals;

c. intersection awareness:

i. traffic signals;

ii. driving through;

iii. stops; and

iv. right of way laws;

d. lane changes;

e. signs, lanes, and signals;

- f. traffic signals;
- g. space management;
- h. S.I.P.D.E. process;
- i. parking skills;
- j. reversing skills;
- k. turnabouts;
- l. city driving;
- m. expressway;
- n. areas of high risk:
 - i. shared left turn lane;
 - ii. median crossover;
 - iii. service roads;
 - iv. off-road recovery;
 - v. head-on collisions;
 - vi. poor weather;
 - vii. skid recovery;
 - viii. controlled braking; and,
 - ix. night time driving;
- o. railroad crossings;
- p. emergency vehicles;
- q. school buses; and
- r. breakdown/collision.

2. The instructor shall gauge the driver's proficiency and provide feedback on the following skills:

- a. observation;
- b. communication;
- c. speed adjustment;
- d. vehicle positioning;
- e. time and space management; and
- f. hazard perception.

3. Student Assessment. During the last driving session with the student, the instructor shall perform a skills test to determine the student's ability to safely operate a vehicle. A minimum score of 70 percent shall be attained to pass the driver education course.

4. Upon completion of the eight-hour behind the wheel course, the instructor shall complete an in-depth assessment of the student's performance over each maneuver and skills covered above. The assessment shall be provided to the student and parent (if a minor) as a tool to continue driving instruction:

- a. visual search
- b. space management
- c. appropriate speed choices
- d. attention (distractions)
- e. emergency evasive actions
- f. physical control of the vehicle
- g. pre-trip preparation;
- h. backing up;
- i. accelerating and braking;
- j. left turn;
- k. right turn;
- l. proper lane usage;
- m. lane change;
- n. obeying traffic signs and signals; and
- o. stopping.

5. The driver education certificate of completion shall be completed when a student has attained a minimum score of 80 percent on the knowledge test and a minimum score of 70 percent on the eight hour behind the wheel portion of the course.

E. Six Hour Pre-Licensing Course

1. The pre-licensing course requires 6 hours of classroom instruction covering the topics outlined above

under Subsection I, "Program of Instruction/Course Content." No more than 1 1/2 hours (25 percent) of the course may consist of audiovisual instruction. A minimum of 4 1/2 hours (75 percent) shall consist of formalized instruction which may be a combination of lecture, computer format plus classroom discussion. The audiovisuals may include such aids as films, slides or videos specifically designed to supplement the formalized instruction.

2. Six Hour Curriculum. The six hour pre-licensing course shall utilize a condensed version of the 30 hour classroom course and shall cover the basic components of each chapter outlined in the 30 hour classroom course.

3. Comprehensive Summation of Curriculum Chapters and Knowledge Test. Upon completion of the classroom course and review of the chapters, the school shall administer the knowledge test.

4. Eight-Hour Behind-the-Wheel Curriculum. The eight hour behind the wheel curriculum shall be done in the same manner and under the same conditions as provided in §154.D.

5. The driver education certificate of completion shall be completed when a student has attained a minimum score of 80 percent on the knowledge test and a minimum score of 70 percent on the eight hour behind the wheel portion of the course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A) (1) and R.S. 40:1461.

HISTORICAL NOTE: HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:38:1985 (August 2012), amended LR 43:

§155. Third Party Tester/Examiner Requirements

A. R.S. 32:408 requires all driver education providers to become certified as third party testers. Secondary schools may opt to not perform as third party testers. All testers/examiners shall:

- 1. meet all the qualifications in §146;
- 2. have at least one licensed examiner; and,
- 3. administer the knowledge and road skills tests.

a. At the end of the classroom instruction, the tester/examiner shall administer a knowledge test to each student. The test shall be provided to the examiner by OMV.

b. The tester/examiner shall administer an approved road skills test to an eligible student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:38:1989 (August 2012), amended LR 38:3235 (December 2012), repromulgated LR 39:98 (January 2013), amended LR 40:2603 (December 2014), amended LR 43:

§156. Application Process and Fees for Third Party Testers/Examiners

A. Each person requesting to be certified by and contract with DPS as a third party tester shall submit the following:

- 1. completed third party tester application for class D and E driver's license;
- 2. fees as listed in §146.E-F;
- 3. a certificate of general liability insurance as listed in §157.B.1;
- 4. a certificate of auto liability insurance as listed in §157.B.1;
- 5. a completed application for examiner license;
- 6. a third party tester route for administering the road skills test to be approved by DPS. The route shall be

different from the routes used during any eight hour behind the wheel training.

B. Upon approval of the application, DPS shall offer a contract to the applicant to administer the OMV knowledge test and the road skills test.

C. Each applicant for third party examiner certification shall:

1. submit an application for third party examiner;
2. meet the qualifications of an instructor as listed in §145.B and C;
3. submit fees as listed in §146.E-F;
4. attend an examiner training session administered by DPS; and,
5. pass a third party examiner test administered by DPS.

D. Renewal Application

1. Application packages shall be complete. Any incomplete renewals will be returned.
2. The renewal schedule for third party testers shall be consistent with driver education provider renewal cycles.
3. The following documents shall be submitted in conjunction with the driver education renewal application:
 - a. fees as listed in §146.E-F;
 - b. a certificate of general liability insurance as listed in §157.B.1;
 - c. a certificate of auto liability insurance as listed in §157.B.1; and
 - d. a third party tester contract;
4. Any tester that fails to renew his license/contract within six months of license or contract expiration shall be required to begin the initial application process again.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:38:1990 (August 2012), amended LR 40:2603 (December 2014), amended LR 43:

§157. General Regulations for Third Party Testers

A. General Regulations

1. All personnel shall conduct themselves in a professional manner at all times.
2. All third party examiners shall comply with and abide by all applicable statutes and regulations as well as all terms of the contract executed by the third party tester or third party examiner and DPS.
3. The school shall agree to permit DPS representatives to inspect the school and shall make available to DPS, when requested to do so, full information pertaining to the testing operation. Upon request, the school shall provide photo copies of the school's records required by DPS.
4. A representative of the Federal Highway Administration and/or a DPS representative may conduct random examinations, inspections, and audits without prior notice.
5. The facility shall conspicuously display the Third Party Tester certificate in the business during operational hours.
6. The tester and/or examiner shall not assist a person in obtaining a driver's license by deceptive practices.
7. The tester and/or examiner shall not state or imply that upon completion of the road skills test, the securing of a driver's license is guaranteed or assured.

8. A DPS representative shall biennially take a road skills test administered by the licensed third party examiner or test a sample of drivers who were examined by the third party to compare pass/fail results.

9. A third party tester/examiner shall not administer any road skills tests until authorized to do so by DPS.

10. If at any time, a third party tester/examiner ceases to meet any requirement imposed by statute, the regulations, or the contract, the third party tester or third party examiner shall immediately cease all testing.

11. Each student administered the road skills tests shall be notified, prior to testing, that he is subject to being retested by OMV at any time.

12. Private driving schools shall administer road skills tests to all of the general public. Authorized secondary school driver education program providers shall administer road skills tests only to students enrolled in its school or its driver education program.

13. Each third party tester shall retain at least one certified third party examiner in their employ at all times.

B. Safety and Insurance

1. Testers shall furnish DPS satisfactory proof of certificates of liability insurance in the school's name with the school's address. Policy dates on all certificates forwarded to DPS shall be current. Insurance shall be issued from an insurance carrier authorized to do business in Louisiana. For any renewals, changes, cancellations or expirations of the insurance policy, the insurance carrier shall notify OMV. Testers shall maintain the following:

- a. general liability insurance policy with minimum liability limits of \$1,000,000 per occurrence. All tester addresses shall be listed on the policy.
- b. the limits shall be \$500,000 in auto liability and identify (by description and vehicle identification number) the vehicle(s) covered. For vehicle qualifications, see §151.F.

i. testers may, at their discretion, use the applicant's vehicle for the road skills test. The vehicle must be covered with liability insurance. Proof of insurance coverage must be presented to the examiner prior to administering the road skills test. Proof of insurance must contain the insurance company's name, policy number, current policy period, description of the vehicle (year, make and VIN) and the applicant may not be an excluded driver.

2. The certificates of liability insurance must list OMV as a certificate holder or additional insured with the following address:

Office of Motor Vehicles
Attn: Training & Certification Unit
P.O. Box 64886
Baton Rouge, LA 70896-4886

3. In the event a driving school is covered under a fleet policy and desires to add another vehicle to its fleet, the driving school shall advise the insurance company to notify DPS.

C. Knowledge Test

1. Passing the final examination in the driver education course shall qualify the student for license/permit issuance. The student must pass the knowledge test with a minimum score of 80 percent.

2. The same knowledge test shall be utilized for those taking the six hour pre-licensing course or the thirty hour classroom course.

3. All copies of the test shall be kept under lock and key or password protected at all times. Photocopies of the test should be produced at the completion of the course as needed.

4. The classroom instructor shall ensure that students seated next to each other have different versions of the test to complete.

5. The completed test shall be attached to the certificate of completion for surrender to DPS at the time of license application. Both documents shall be placed in a sealed envelope.

6. Schools and/or instructors that provide students with the answers to the test, teach only the information contained on the test, do not properly secure the tests, and assist a student to pass the final exam by deceptive practices or accept bribes to give a student a passing score shall be subject to having their license/certification revoked.

7. Any student who fails the final exam shall be allowed to re-test once the same day. If the student does not pass the test on the second attempt, the student may return any day thereafter (depending on instructor availability) and re-test twice each day until the test is passed.

8. The tester and/or examiner shall not assist a student pass the final examination by any deceptive practices. Any school or instructor who assists a student shall be subject to having their license/certification revoked.

9. Each student who is administered the final knowledge test shall be notified prior to testing that he is subject to being re-tested by OMV at any time.

10. Lost or stolen knowledge tests shall be reported to OMV immediately. If a theft or suspected theft has occurred, the local law enforcement agency shall also be notified and a police report sent to OMV.

D. Road Skills Testing Preparation Policies

1. Each applicant shall be required to present proof of identity as outlined in OMV's policy along with the completed Test History Form provided by OMV.

2. The legal custodial/domiciliary parent/guardian of an applicant under the age of 18 shall sign a consent statement, provide proper identification and provide proof that he or she is the legal custodial/domiciliary parent/guardian.

3. All applicants shall sign the Disclosure of Terms Form supplied by OMV. If the applicant is under the age of 18, the legal custodial/domiciliary parent/guardian shall also sign. This form shall be kept in the files.

4. The fee for a road skills test shall not exceed \$40. This fee shall cover all expenses including the costs of the original and a copy of the road skills test certificate provided to each applicant.

5. A copy of the certificate shall be placed in the applicant's file and maintained by the tester for a minimum of five years.

6. The examiner may refuse to administer the road skills test at any time he determines the condition of the applicant, roads or weather to be unsafe.

E. Road Skills Testing Administration Policies

1. Only examiners who have been approved and certified by DPS shall administer road skills tests. Only examiners who are certified adaptive driver trainers shall administer road skills tests to applicants who require adaptive equipment, including bioptic telescopic lenses.

2. Only the applicant, examiner, examiner's supervisor, DPS representative, or interpreter, if necessary,

are allowed in the vehicle when a road skills test is being administered.

3. Each driving course layout shall include (as a minimum) the following for scoring purposes:

a. two stop signs (one with an obstructed view, if possible);

b. two traffic lights;

c. two lane changes;

d. two intersections, without a turn;

e. two reversal procedures:

i. into and out of a parking space;

ii. three point turn;

f. three left turns, one of which includes a left turn onto a multiple-lane roadway;

g. three right turns, one of which includes a right turn onto a multiple-lane roadway; and,

h. one parking maneuver.

4. If a maneuver is not able to be performed within a reasonable driving distance from the testing facility due to roadway conditions, the maneuver may be omitted from the test route with prior written approval from OMV.

5. During the road skills test, each third party examiner shall measure the applicant's performance in each of the following operational skills:

a. observing;

b. communicating;

c. speed adjustment;

d. vehicle positioning;

e. time and space judgment; and,

f. hazard perception.

6. Standardized instructions shall be utilized when conducting a road skills test.

7. Approved scoring criteria shall be standardized, as determined and approved by DPS. Each applicant starts with 100 points. The applicant shall receive 80 points or better to pass. If the applicant fails due to inexperience, the examiner may recommend a learner's permit.

8. If using a vehicle with a dual brake, it shall be an automatic failure of the test if the examiner has to use the brake for any reason.

9. The driving school shall be required to administer road skills tests to the general public.

10. Third party testers will set the hours and conditions under which the facility will provide the road skills test.

F. Record Keeping

1. The following information shall be maintained in the records, in date order, by month, and shall be maintained for five years from the date of the road skills test:

a. completed application for road skills test (DPSMV2271);

b. completed discourse of terms for applicants (DPSMV2273);

c. completed road skills driving test (DPSMV2005A);

d. completed test history form (DPSMV30059) furnished by DPS, if applicable; and,

e. completed road skills test certificate (DPSMV2272), if applicable.

2. Every third party tester shall maintain an ascending numerical accounting record of all certificates issued. Every tester will self-issue certificate numbers for each road skills test in the manner prescribed by DPS.

3. A road skills test log shall be maintained with the tester files. The examiner will record each road skills test

including the applicant's name, the examiner's name, the time in/out for the test and indicating whether the test was passed or failed.

4. Every third party tester shall maintain a monthly report of skills tests performed which shall include:

- a. the number of road skills tests;
- b. the monthly log;
- c. the vehicle inspection form; and,
- d. applications for road skills tests.

5. The six month reports shall be submitted to OMV biennially by the 10th of January and the 10th of July.

6. In secondary school programs, if oversight for the driver education program is provided at the system level, the system shall determine the location where the records shall be kept. All records shall be maintained at a central location which provides DPS access during daytime hours.

7. All records and necessary data pertaining to the operation of the tester shall be maintained in the office in chronological month order and shall be available for inspection upon request by any law enforcement officer or DPS representative. All records shall be maintained in hard copy (original) for one year and may be transferred to an electronic after the one year period.

G. Road Skills Test Certificate (DPSMV2272) Requirements

1. Road skills test certificates shall be issued only to applicants who complete a road skills test with an approved third party tester.

2. If an applicant does not pass the road skills test, a certificate may be issued with comments to add an "02" restriction for issuance of a learner's permit only.

3. Lost or stolen road skills test certificate forms shall be reported to OMV immediately. The local law enforcement agency shall also be notified and a police report submitted to OMV.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1), R.S. 32:408.1, and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:38:1990 (August 2012), amended LR 38:3235 (December 2012), LR 40:2603 (December 2014), amended LR 43:

§158. Military Exemption [Formerly §159]

A. Any active duty military person who never been licensed in this state or another state, upon proving his active duty status, may submit proof of completion of military driver training, which is essentially equivalent to the training required in this part, in lieu of providing the Certificate of Completion required by this part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1), R.S. 32:408.1, and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:38:1990 (August 2012), amended LR 38:3235 (December 2012), amended LR 43:

§159. Suspension, Revocation and Penalty Assessment

A. All regulations outlined in this Chapter shall be adhered to by the driving school and its employees. DPS may fine, suspend or revoke any driving school license, instructor license, examiner license, owner license or third party tester agreement issued under these rules and regulations upon discovery of satisfactory evidence of violations. If the violation involves the owner of the driving school or other management staff, then the driving school may be assessed fines, or the license may be suspended or

revoked, or both. If the violation involves the instructor, then the instructor may be assessed fines, or the license may be suspended or revoked, or both. Fines may be assessed up to \$1500 per rule or statute violated. If the fine is not paid within 30 days of the mailing of the notice of the fine, the license may be suspended or revoked.

1. Any instructor whose driving privileges have been suspended or revoked is subject to having his instructor's license suspended or revoked.

2. Any behind the wheel instructor who has been arrested for driving while intoxicated or operating a vehicle while under the influence of alcohol or drugs, shall be immediately suspended and shall remain suspended until a final disposition of the charges are received by DPS.

3. The license of any instructor arrested for any crime enumerated in R.S. 15:587.1(C) (the Child Protection Act) shall immediately be suspended and shall remain suspended until a final disposition of the charges are received by DPS.

4. Instructors who are arrested and indicted, or both, for any disqualifying offense listed in Section 145 shall be suspended and their license will remain suspended until final disposition of the offense has been received by DPS.

5. In the event a driving school owner's license or a driving school instructor's license issued pursuant to this Chapter is revoked, he shall not be involved in the administrative duties of the school.

B. Appeal Rights

1. Notice of Suspension, Revocation or Fine

a. A currently licensed owner/instructor whose license and third party tester agreement is revoked or suspended shall be notified in writing by DPS either by email or mail.

2. General Provisions

a. Except as otherwise provided by these rules, any notice shall be served by certified mail, return receipt requested, or hand delivered to the permanent address that is provided in the application or latest amendment thereto, on file with DPS. Notice shall be presumed to have been given in the event an incorrect or incomplete address is supplied to DPS by the applicant or if the applicant fails to accept properly addressed certified mail.

b. Any fine levied by DPS which is adjudicated to a final administrative judgment shall be paid within 10 business days of said judgment becoming final. Failure to pay such a fine within 10 business days may serve as grounds to suspend or revoke any license or contract under this part.

c. In cases of serious violations of the law or these rules, or in situations in which the law calls for prompt suspension or revocation, or violations which present a danger to the public health, safety or welfare, DPS may provide notice. Such notice shall be promptly documented and confirmation in writing shall be provided to the applicant.

d. Any request for an administrative hearing for a fine, suspension or revocation of a license or third party tester agreement shall be made in writing and sent to DPS (Training and Certification Unit, P.O. Box 64886, Baton Rouge, LA 70896) within 30 calendar days. The action and/or penalty shall become final if the request for an administrative hearing is not submitted timely.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:402.1(A)(1) and R.S. 40:1461.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 43:

Family Impact Statement

The proposed Rules will not have any known or foreseeable impact on any family as defined by R.S. 49:972D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of the children.

Local governmental entities have the ability to perform the enforcement of the action proposed in accordance with R.S. 40:1730.23.

Poverty Statement

The impact of the proposed Rule on child, individual, or family poverty has been considered and it is estimated that the proposed action is not expected to have a significant adverse impact on poverty in relation to individual or community asset development as provided in La. R.S. 49:973. The agency has considered economic welfare factors and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on poverty.

Small Business Impact Statement

The impact of the proposed Rule on small businesses has been considered and it is estimated that the proposed action is not expected to have any adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule does not impact or affect a "Provider." "Provider" means an organization that provides services for individuals with developmental disabilities as defined in HCR 170 of the 2014 Regular Session of the Legislature. In particular, the proposed Rules have no effect or impact on a "Provider" in regards to:

1. The staffing level requirements or qualifications required to provide the same level of service.
2. The cost to the provider to provide the same level of service.
3. The ability of the provider to provide the same level of service.

Interested Persons

Interested persons may submit written comments or requests for public hearing on these proposed Rule to Laura Hopes, Department of Public Safety and Corrections, Public Safety Services, Office of Legal Affairs, at 7979 Independence Blvd., Suite 307, P.O. Box 66614, Baton Rouge, LA 70896, (225) 925-6103 (phone); (225) 925-3974 (facsimile); laura.hopes@la.gov (email). Comments will be accepted through close of business June 10, 2017.

Public Hearing

A public hearing will be held on Tuesday, June 27, 2017 at 10 a.m. at 7979 Independence Boulevard, Suite 301, Baton Rouge, LA 70806. If the requisite number of comments are not received, the hearing will be cancelled. Please call and confirm the hearing will be conducted before attended.

Karen St. Germain
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Driving Schools and Driver Education

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will not affect expenditures for state or local governmental units. Generally, the proposed rule changes revise Title 55 of the LA Administrative Code as it relates to the governing of driving schools and the driver education program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes may increase SGR collections for the Dept. of Public Safety, Office of Motor Vehicles as a result of increased penalties for driver's education schools violating regulatory provisions. The proposed rules increase penalties by up to \$1,000, from a maximum of \$500 for a major violation to a maximum of \$1,500 per violation with penalty amounts determined at the discretion of the Commissioner of the Office of Motor Vehicles. As a result, to the extent driver's education schools are found to be in violation of their governing regulations and fined for a violation in excess of \$500, SGR collections will increase for OMV. However, because the number of violations driver's education schools will commit is unknown, as well as the penalty amounts they may be fined is unknown, the exact increase is indeterminable.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule changes increase penalties by up to \$1,000 for driver's education schools found to be violating regulatory provisions, from a maximum of \$500 for a major violation to a maximum of \$1,500 per violation with penalty amounts determined at the discretion of the Commissioner of the Office of Motor Vehicles. As a result, to the extent driver's education schools are found to be in violation of their governing regulations and fined for a violation in excess of \$500, the amount in fines they must pay to OMV will represent an increase for the schools. However, because the number of violations driver's education schools will commit is unknown, as well as the penalty amounts they may be fined is unknown, the exact increase for schools is indeterminable.

Furthermore, the proposed rule changes add requirements for driver's education instructors, stating that they must provide a completed medical evaluation form, proof of completion for a first aid or CPR certification, and proof of completion of a training course on sexual harassment prevention. It is assumed that the instructors or their respective schools would bear any costs associated with these requirements at an amount that is likely marginal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition and employment.

Jason Stames
Chief Administrative Officer
1705#035

Evan Brasseaux
Staff Director
Legislative Fiscal Office

OFFICE OF THE STATE REGISTER INSERTION ORDER (eff.08/02)
Claiborne Building 1201 North Third Street Suite 3-220 Post Office Box 94095
Baton Rouge, LA 70804-9095 (225)342-5015 FAX (225)342-0284

(SUBMIT A SEPARATE INSERTION ORDER PER DOCUMENT)

☐ EMERGENCY RULE ☒ NOTICE OF INTENT ☐ RULE ☐ POTPOURRI

REFER TO INSTRUCTIONS ON REVERSE SIDE

This is your authority to publish in the (month) May, 20 17 *Louisiana Register* the document indicated above.

Office of Motor Vehicles, Public Safety

Office/Board/Commission promulgating this document

Karen St. Germain Commissioner

(name)

(title)

Name and title of person whose signature will appear in the publication (at the end of the document)

Department of Public Safety and Corrections

Department under which office/board/commission is classified

Laura Hopes 2259256103 2259253974

(name)

(phone)

(fax)

Name, phone number, and FAX number of person to contact regarding this document

laura.hopes@la.gov

E-mail address of contact person

LAC 55:III.143-159 Driving Schools

Short descriptive listing for this document to be used in the *Louisiana Register's* TABLE OF CONTENTS/INDEX

Important: If submitting both an Emergency Rule (ER) and a Notice of Intent (NOI) to be published this month, AND if the rule text in the ER is identical to the rule text in the NOI, check here: ☐

File name

Karen St. Germain

Signature of Agency Head or Designee

Karen St. Germain, Commissioner

Print Name and Title of Agency Head or Designee

CERTIFICATION OF AVAILABLE FUNDS

DOCUMENT # _____

ISIS AGENCY: I certify the availability of fiscal year 2017 appropriated funds for the payment of the above referenced publication and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental sheet for additional lines of coding.

<u>420-2967</u>	<u>4960</u>	<u>5102</u>
AGENCY	ORGANIZATION #	REPORTING CATEGORY

NON-ISIS AGENCY: I certify the availability of fiscal year _____ appropriated funds for the payment of the above referenced publication and agree to place corresponding invoice in line for payment upon receipt.

Billing Address for Agencies:

La. Department of Public Safety

Agency Name

P.O. Box 66614, Drawer B-9

Street Address or Post Office Box

Baton Rouge LA 70896

City

State

Zip Code

Karen St. Germain

Signature of Agency Head or Designee - Phone #

225-925-6161

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Office of Motor Vehicles, Public Safety
Office/Board/Commission promulgating this document

Karen St. Germain Commissioner
(name) (title)
Name and title of person whose signature will appear in the publication (at the end of the document)

Department of Public Safety and Corrections
Department under which office/board/commission is classified

Laura Hopes 2259256103 2259253974
(name) (phone) (fax)
Name, phone number, and FAX number of person to contact regarding this document

laura.hopes@la.gov
E-mail address of contact person

LAC 55:III.143-159 Driving Schools
Short descriptive listing for this document to be used in the *Louisiana Register's* TABLE OF CONTENTS/INDEX

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File name
Karen St. Germain
Signature of Agency Head or Designee
Karen St. Germain, Commissioner
Print Name and Title of Agency Head or Designee

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AGENCY	ORGANIZATION #	REPORTING CATEGORY
	OBJECT	SUB-OBJECT

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Billing Address for Agencies:
La. Department of Public Safety
Agency Name
P.O. Box 66614, Drawer B-9
Street Address or Post Office Box
Baton Rouge LA 70896
City State Zip Code

Signature of Agency Head or Designee - Phone # _____

Lines/Other Charges _____	Typesetting \$ _____	TOTAL \$ _____
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**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Person Preparing Statement:	Gwen Dunware_____	Dept.:	Public Safety Services_____
Phone:	225-925-6747_____	Office:	Office of Motor Vehicles_____
Return Address:	7979 Independence Blvd. Baton Rouge, LA 70806	Rule:	Title 55 PUBLIC SAFETY
		Title:	Part III. Motor Vehicles, Chap. 1, Subchapter A, LAC 55:III.143-159
		Date Rule Takes Effect:	08/20/2017_____

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes will not affect expenditures for state or local governmental units. Generally, the proposed rule changes revise Title 55 of the LA Administrative Code as it relates to the governing of driving schools and the driver education program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes may increase SGR collections for the Dept. of Public Safety, Office of Motor Vehicles as a result of increased penalties for driver's education schools violating regulatory provisions. The proposed rules increase penalties by up to \$1,000, from a maximum of \$500 for a major violation to a maximum of \$1,500 per violation with penalty amounts determined at the discretion of the Commissioner of the Office of Motor Vehicles. As a result, to the extent driver's education schools are found to be in violation of their governing regulations and fined for a violation in excess of \$500, SGR collections will increase for OMV. However, because the number of violations driver's education schools will commit is unknown, as well as the penalty amounts they may be fined is unknown, the exact increase is indeterminable.

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Furthermore, the proposed rule changes add requirements for driver's education instructors, stating that they must provide a completed medical evaluation form, proof of completion for a first aid or CPR certification, and proof of completion of a training course on sexual harassment prevention. It is assumed that the instructors or their respective schools would bear any costs associated with these requirements at an amount that is likely marginal.

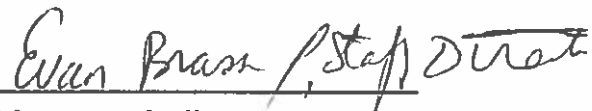
IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition and employment.


Signature of Agency Head or Designee

Jason Starnes, Chief Administrative Officer
Typed Name & Title of Agency Head or Designee

5/10/2017
Date of Signature


Legislative Fiscal Officer or Designee

5/10/17
Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule change is to provide a more comprehensive version of Title 55 as it relates to the rules governing driving schools and the driver education program.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Not applicable.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding. NO.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ Yes. If yes, attach documentation.

(b) _____ NO. If no, provide justification as to why this rule change should be published at this time

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 18	FY 19	FY 20
Personal Services	\$0	\$0	\$0
Operating Expenses	\$0	\$0	\$0
Professional Services	\$0	\$0	\$0
Other Charges	\$0	\$0	\$0
Equipment	\$0	\$0	\$0
Major Repairs & Constr.	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0
POSITIONS (#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The proposed rule changes will not affect expenditures for state or local governmental units. Generally, the proposed rule changes revise Title 55 of the LA Administrative Code as it relates to the governing of driving schools and the driver education program.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 18	FY 19	FY 20
State General Fund	\$0	\$0	\$0
Agency Self-Generated	\$0	\$0	\$0
Dedicated	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0
Other (Specify)	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The proposed rule changes will not affect expenditures for state or local governmental units.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There is no anticipated cost or savings resulting from the proposed action.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

Not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 18	FY 19	FY 20
State General Fund	\$0	\$0	\$0
Agency Self-Generated	INCREASE	INCREASE	INCREASE
Dedicated Funds*	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0
TOTAL	\$0	\$0	\$0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The proposed rule changes may increase SGR collections for the Dept. of Public Safety, Office of Motor Vehicles as a result of increased penalties for driver's education schools violating regulatory provisions. The proposed rules increase penalties by up to \$1,000, ~~from~~ a maximum of \$500 for a major violation to a maximum of \$1,500 per violation with penalty amounts determined at the discretion of the Commissioner of the Office of Motor Vehicles. As a result, to the extent driver's education schools are found to be in violation of their governing regulations and fined for a violation in excess of \$500, SGR collections will increase for OMV. However, because the number of violations driver's education schools will commit is unknown, as well as the penalty amounts they may be fined is unknown, the exact increase is indeterminable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rule changes increase penalties by up to \$1,000 for driver's education schools found to be violating regulatory provisions, from a maximum of \$500 for a major violation to a maximum of \$1,500 per violation with penalty amounts determined at the discretion of the Commissioner of the Office of Motor Vehicles. As a result, to the extent driver's education schools are found to be in violation of their governing regulations and fined for a violation in excess of \$500, the amount in fines they must pay to OMV will represent an increase for the schools. However, because the number of violations driver's education schools will commit is unknown, as well as the penalty amounts they may be fined is unknown, the exact increase for schools is indeterminable.

Furthermore, the proposed rule changes add requirements for driver's education instructors, stating that they must provide a completed medical evaluation form, proof of completion for a first aid or CPR certification, and proof of completion of a training course on sexual harassment prevention. It is assumed that the instructors or their respective schools would bear any costs associated with these requirements at an amount that is likely marginal.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The only anticipated impact on receipts or income are associated with the potential increased penalty fees (see Part A).

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule changes will not affect competition and employment.



JOHN BEL EDWARDS
GOVERNOR

KEVIN W. REEVES, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

May 10, 2017

OLA-17-LCH-19911

VIA EMAIL ONLY (apa.s-judb@legis.la.gov)

Senator Gary Smith
Senate Judiciary B Committee
State Capitol
Baton Rouge, Louisiana 70804

**Re: Rules Proposed by the Department of Public Safety & Corrections, Office of Motor Vehicles,
to amend Chapter 1, Section 146 -159 pertaining to Commercial Driving Schools**

Dear Senator Smith:

Notice is hereby given that the Department of Public Safety and Corrections, Office of Motor Vehicles, intends to promulgate rules in order to provide for the addition of driving schools rules and regulations. These rules are proposed in accordance with the Administrative Procedure Act, R.S. 49:950, et. seq. This notice includes the following items:

1. The insertion order authorizing the Office of the State Register to publish the Notice of Intent in the August 2017 Louisiana Register;
2. The Notice of Intent which includes the text of the proposed rules LAC 55, Part III, Chapter 1, Section 146 -159;
3. The Fiscal Economic Impact Statement;
4. The Family Impact Statement;
5. The Poverty Statement;
6. The Provider Impact Statement; and
7. The Small Business Impact Statement.

Thank you for your attention to this matter.

Sincerely,

Laura C. Hopes

Attorney for the Department of Public Safety
Office of Motor Vehicles
(225) 925-6103

/enclosures

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P.O. BOX 66614, BATON ROUGE, LOUISIANA 70896

Laura Hopes

From: APA - Senate Jud B <apa.s-judb@legis.la.gov>
Sent: Wednesday, May 10, 2017 11:16 AM
To: Laura Hopes
Cc: APA - Senate Jud B
Subject: Request received

ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Judiciary B, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.



JOHN BEL EDWARDS
GOVERNOR

KEVIN W. REEVES, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

May 10, 2017

OLA-17-LCH-19909

VIA EMAIL ONLY (apa.senatepresident@legis.la.gov)

John A. Alario, Jr.
President of the Senate
State Capitol
Baton Rouge, Louisiana 70804

**Re: Rules Proposed by the Department of Public Safety & Corrections, Office of Motor Vehicles,
to amend Chapter 1, Section 146 -159 pertaining to Commercial Driving Schools**

Dear Mr. Alario:

Notice is hereby given that the Department of Public Safety and Corrections, Office of Motor Vehicles, intends to promulgate rules in order to provide for the addition of driving schools rules and regulations. These rules are proposed in accordance with the Administrative Procedure Act, R.S. 49:950, et. seq. This notice includes the following items:

1. The insertion order authorizing the Office of the State Register to publish the Notice of Intent in the August 2017 Louisiana Register;
2. The Notice of Intent which includes the text of the proposed rules LAC 55, Part III, Chapter 1, Section 146 -159;
3. The Fiscal Economic Impact Statement;
4. The Family Impact Statement;
5. The Poverty Statement;
6. The Provider Impact Statement; and
7. The Small Business Impact Statement.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura C. Hopes".

Laura C. Hopes
Attorney for the Department of Public Safety
Office of Motor Vehicles
(225) 925-6103

/enclosures

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Laura Hopes

From: APA - President <APA.senatepresident@legis.la.gov>
Sent: Wednesday, May 10, 2017 11:15 AM
To: Laura Hopes
Cc: APA - Request Senate
Subject: Request received

ELECTRONIC RECEIPT FROM THE OFFICE OF THE PRESIDENT

Your Administrative Procedure Act (APA) submission has been received by the Office of the President, Louisiana Senate.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.



JOHN BEL EDWARDS
GOVERNOR

KEVIN W. REEVES, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

May 10, 2017

OLA-17-LCH-19908

VIA EMAIL ONLY (apa.s-thpw@legis.la.gov)

Kenneth E. Havard, Chairman
House Committee on Transportation
State Capitol
Baton Rouge, Louisiana 70804

**Re: Rules Proposed by the Department of Public Safety & Corrections, Office of Motor Vehicles,
to amend Chapter 1, Section 146 -159 pertaining to Commercial Driving Schools**

Dear Mr. Havard:

Notice is hereby given that the Department of Public Safety and Corrections, Office of Motor Vehicles, intends to promulgate rules in order to provide for the addition of driving schools rules and regulations. These rules are proposed in accordance with the Administrative Procedure Act, R.S. 49:950, et. seq. This notice includes the following items:

1. The insertion order authorizing the Office of the State Register to publish the Notice of Intent in the August 2017 Louisiana Register;
2. The Notice of Intent which includes the text of the proposed rules LAC 55, Part III, Chapter 1, Section 146 -159;
3. The Fiscal Economic Impact Statement;
4. The Family Impact Statement;
5. The Poverty Statement;
6. The Provider Impact Statement; and
7. The Small Business Impact Statement.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Laura C. Hopes".

Laura C. Hopes
Attorney for the Department of Public Safety
Office of Motor Vehicles
(225) 925-6103

/enclosures

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Laura Hopes

From: APA - House Transportation <apa.h-thpw@legis.la.gov>
Sent: Wednesday, May 10, 2017 11:15 AM
To: Laura Hopes
Subject: Request received

ELECTRONIC RECEIPT BY COMMITTEE

Your Administrative Procedure Act (APA) submission has been received by the Committee on Transportation, Highways, and Public Works, Louisiana House.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.



JOHN BEL EDWARDS
GOVERNOR

KEVIN W. REEVES, COLONEL
DEPUTY SECRETARY

State of Louisiana
Department of Public Safety and Corrections
Public Safety Services

May 10, 2017

OLA-17-LCH-19907

VIA EMAIL ONLY (apa.housespeaker@legis.la.gov)

Taylor F. Barras
Speaker of the House of Representatives
State Capitol
Baton Rouge, Louisiana 70804

**Re: Rules Proposed by the Department of Public Safety & Corrections, Office of Motor Vehicles,
to amend Chapter 1, Section 146 -159 pertaining to Commercial Driving Schools**

Dear Mr. Barras:

Notice is hereby given that the Department of Public Safety and Corrections, Office of Motor Vehicles, intends to promulgate rules in order to provide for the addition of driving schools rules and regulations. These rules are proposed in accordance with the Administrative Procedure Act, R.S. 49:950, et. seq. This notice includes the following items:

1. The insertion order authorizing the Office of the State Register to publish the Notice of Intent in the August 2017 Louisiana Register;
2. The Notice of Intent which includes the text of the proposed rules LAC 55, Part III, Chapter 1, Section 146 -159;
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5. The Poverty Statement;
6. The Provider Impact Statement; and
7. The Small Business Impact Statement.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, reading "Laura C. Hopes".

Laura C. Hopes
Attorney for the Department of Public Safety
Office of Motor Vehicles
(225) 925-6103

/enclosures

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Laura Hopes

From: APA - Speaker <apa.housespeaker@legis.la.gov>
Sent: Wednesday, May 10, 2017 11:14 AM
To: Laura Hopes
Subject: Request received

ELECTRONIC RECEIPT FROM THE OFFICE OF THE SPEAKER

Your Administrative Procedure Act (APA) submission has been received by the Office of the Speaker, Louisiana House of Representatives.

(Please do not respond to this automatically generated response.)

If your communication is unrelated to an APA required submission, it has been deleted.

If you would like to contact your state legislator, click here <https://www.legis.la.gov/legis/HowDoI2.aspx?p=3#11> to determine the name of your state representative and state senator and to find their contact information.

If you would like to contact members of a particular committee, click here for House Committees <https://www.legis.la.gov/legis/Committees.aspx?c=H> and here for Senate Committees <https://www.legis.la.gov/legis/Committees.aspx?c=S>. The name and contact information of all committee members is available at these sites.